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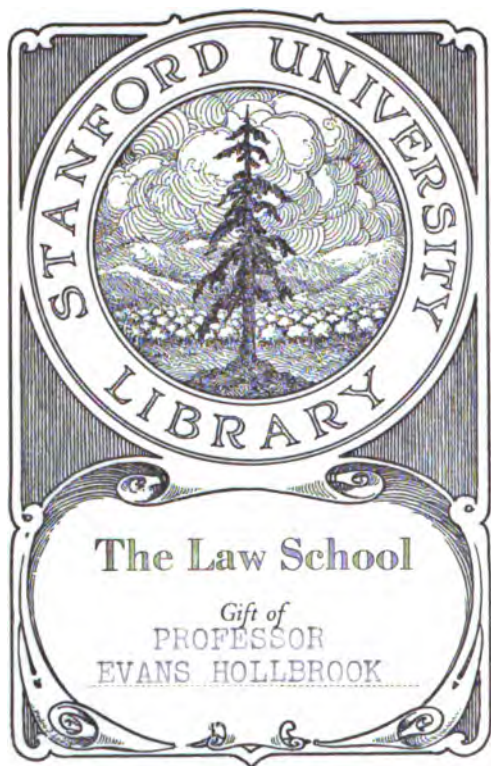
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PUBLIC ACTS
AND
JOINT AND CONCURRENT RESOLUTIONS
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OF THE
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PASSED AT THE
REGULAR SESSION OF 1879.
WITH AN APPENDIX.



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PUBLIC ACTS, 1879.

[No. 1.]

AN ACT to provide for the appointment of an assistant prosecuting attorney for the county of Kent.

SECTION 1. *The People of the State of Michigan enact,* That How appointed. the prosecuting attorney of the county of Kent is hereby authorized and empowered to appoint an assistant prosecuting attorney, which appointment shall be in writing and filed with the clerk of said county.

SEC. 2. That the salary of the said assistant prosecuting attorney Salary. shall be fixed by the board of supervisors of Kent county, and shall not exceed the sum of twelve hundred dollars per annum.

SEC. 3. That said assistant prosecuting attorney shall hold office Term of office. during the pleasure of the prosecuting attorney.

SEC. 4. That said assistant prosecuting attorney shall perform Duties. such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney, and shall, before entering upon the duties Oath of office. of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same, together with his acceptance, with the county clerk of said county.

SEC. 5. That in case of removal the prosecuting attorney shall Revocation of appointment, where filed. file with the clerk of said county a revocation of such appointment.

SEC. 6. This act shall take immediate effect.

Approved January 16, 1879.

[No. 2.]

AN ACT to amend section one of an act entitled "An act to authorize and empower the board of control of state swamp lands to aid in the construction of a railroad from the straits of Mackinaw to Marquette harbor, on lake Superior," approved March twenty-first, eighteen hundred and seventy-three, as amended by an act approved March twenty-fourth, eighteen

hundred and seventy-four, and also by an act approved April fifteenth, eighteen hundred and seventy-five, and also by an act approved May fourteenth, eighteen hundred and seventy-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize and empower the board of control of state swamp lands to aid in the construction of a railroad from the straits of Mackinaw to Marquette harbor on lake Superior," approved March twenty-first, eighteen hundred and seventy-three, as amended by an act approved March twenty-fourth, eighteen hundred and seventy-four, and also by an act approved April fifteenth, eighteen hundred and seventy-five, and also by an act approved May fourteenth, eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

Board of control
authorized to
appropriate
swamp lands.

SECTION 1. *The People of the State of Michigan enact*, That to secure the early construction of a railroad from the straits of Mackinaw to Marquette harbor on lake Superior, and for the purpose of drainage and reclamation, the board of control of state swamp lands are hereby authorized and empowered, if by them deemed expedient for the best interests of the state and of the section to be penetrated by said railroad, to appropriate not to exceed sixteen sections of swamp lands per mile to any railroad company that shall construct and complete such railroad in running order on or before December thirty-first, eighteen hundred and eighty-one, with like effect to all intents and purposes, as though such period were embraced in the original act: *Provided, however*, That if, from the financial condition of the country and the present discredit of all railway investments, difficulties shall occur in raising the money for the construction of said railroad, which may delay its inception and progress, the rights of the company to the grant and privileges hereby authorized shall not be forfeited by reason of the non-completion of the road at the time specified: *Provided*, The progress of the work be such at said time as to render the completion thereof assured to the satisfaction of the said board of control within a reasonable time thereafter, not exceeding one additional year, and the same shall be actually completed within that time. Said board of control of swamp lands may, in their discretion, award and convey to the company constructing said railroad the number of acres earned upon the completion of any twenty-mile section of said railroad: *Provided further*, That such sections are completed ready for the rolling stock, and the said board of control shall deem the same necessary to facilitate the completion of said railroad. The board of control shall not appropriate the lands so provided in this act for the building of any road not of the ordinary Michigan gauge of track, furnished with the iron or steel rail of at least the ordinary weight on first-class railroads.

Number of
sections per
mile.

When road to be
completed.

Proviso.

Proviso.

Conveyance on
completion of
twenty mile
section of road.

Proviso.

Gauge of track
and weight of
rail.

SEC. 2. This act shall take immediate effect.

Approved February 15, 1879.

[No. 3.]

AN ACT to amend section twenty-two of act number one hundred and thirteen of the session laws of eighteen hundred and seventy-seven, relative to providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, and to fix the duties and liabilities of such corporations.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section twenty-two of act number one hundred and thirteen of the session laws of eighteen hundred and seventy-seven, be amended so as to read as follows:

SEC. 22. It shall be lawful for any corporation formed under the provisions of this act to conduct its mining and manufacturing Where business may be conducted.
 business in whole or in part at any place or places in the United States (or any foreign country); and any such corporation shall be subject to the laws of this state in regard to corporations, so far as the same shall be applicable to corporations formed under this act.

SEC. 2. This act shall take immediate effect.

Approved February 21, 1879.

[No. 4.]

AN ACT to repeal added section eighty of act number two hundred of the session laws of eighteen hundred and seventy-seven, and to authorize the warden of the state prison to receive moneys due and to become due upon contracts made while said section was in force.

SECTION 1. *The People of the State of Michigan enact, That* Section repealed.
 added section eighty of act number two hundred of the session laws of eighteen hundred and seventy-seven, be and the same is hereby repealed.

SEC. 2. The warden of the state prison is hereby authorized to receive and receipt for all moneys due or to become due on contracts for prison labor executed while said section eighty was in force, and shall pay the same into the state treasury by the tenth day of the following month after said payments are made to him. Warden to receive and pay moneys to treasurer.

SEC. 3. This act shall take immediate effect.

Approved February 21, 1879.

[No. 5.]

AN ACT making an appropriation for the state reform school, to cover a deficiency in the current expenses for the year eighteen hundred and seventy-eight.

SECTION 1. *The People of the State of Michigan enact, That* Amount appropriated.
 there be and hereby is appropriated the sum of two thousand six

hundred twenty-two dollars and fifty-one cents, to pay the deficiency in the current expense account for the year eighteen hundred and seventy-eight.

How paid.

SEC. 2. The said sum appropriated by section one of this act shall be passed to the credit of the state reform school, from the funds already in the treasury, and paid on the order of the board of control, according to law.

SEC. 3. This act shall take immediate effect.

Approved February 27, 1879.

[No. 6.]

AN ACT to amend act number thirty-three, session laws of eighteen hundred and seventy-five, entitled "An act to prohibit the use of naphtha, or any product of coal oil or petroleum, for lighting passenger cars," approved March seventeenth, eighteen hundred and seventy-five.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number thirty-three, session laws of eighteen hundred and seventy-five, entitled "An act to prohibit the use of naphtha, or any product of coal oil or petroleum, for lighting passenger cars," approved March seventeenth (17), eighteen hundred and seventy-five, be amended so as to read as follows:

Passenger cars
lighted by
naphtha.

SECTION 1. *The People of the State of Michigan enact*, That no passenger car on any railroad shall be lighted by naphtha, or by any illuminating oil or fluid made in part of naphtha, or wholly or in part from coal oil or petroleum, or other substance or material, unless such illuminating oil shall have been inspected pursuant to the laws of Michigan providing for the inspection of illuminating oils manufactured from petroleum or coal oil [oils], and which will ignite at a temperature of less than three hundred degrees Fahrenheit. Any railroad corporation which violates the provisions of this section shall forfeit a sum not exceeding five hundred dollars.

Penalty.

SEC. 2. This act shall take immediate effect.

Approved March 11, 1879.

[No. 7.]

AN ACT making appropriations for the current expenses of the state normal school.

Amount appro-
priated.

SECTION 1. *The People of the State of Michigan enact*, That the state treasurer shall transfer from the general fund the sum of seventeen thousand five hundred dollars (\$17,500) for the year one thousand eight hundred and seventy-nine, and seventeen thousand five hundred dollars (\$17,500) for the year one thousand eight hundred and eighty, which sums are hereby appropriated to the normal

school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

SEC. 2. The auditor general shall incorporate in the state tax for the year eighteen hundred and seventy-nine one-half of the sum appropriated in section one of this act, and one-half of said sum in the tax for the year eighteen hundred and eighty, which tax, when collected, shall be credited up to the general fund, to reimburse to the same the sums to be drawn therefrom, as provided in section one of this act: *Provided*, That one thousand dollars (\$1,000) of said amount shall be used annually for library purposes, and for no other purpose whatever.

Auditor general to incorporate in state tax.

Proviso as to library.

SEC. 3. This act shall take immediate effect.

Approved March 11, 1879.

[No. 8.]

AN ACT to amend section sixty-four of chapter one hundred and eighty-nine, being compiler's section six thousand and thirty-three of the compiled laws of eighteen hundred and seventy-one, relative to trial of issues of fact.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-four of chapter one hundred and eighty-nine, being compiler's section six thousand and thirty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

(6033.) SEC. 64. If the truth of the case be fairly stated in such exceptions, it shall be the duty of the judge holding such court to sign such statement, and he may be compelled to do so by the court to which any writ of error may by law be brought, upon the judgment rendered in such cause, or which shall have authority to decide on such exceptions when returned by him. And in case of the death, resignation, expiration of the term of office, or vacancy in office from any other cause, of the judge before whom the cause was tried, when there shall be an official stenographer of such court who has taken full minutes of the testimony, exceptions, and charges of the judge at such trial, such minutes shall be *prima facie* evidence of the testimony given, exceptions taken, and the charge of the court, and other proceedings on such trial, and such exceptions may be settled and signed by the successor in office of such judge, or by any judge authorized in such cases to perform the general duties of the judge of such court.

When judge to sign exceptions.

Stenographers minutes prima facie evidence of testimony, etc.

Successor may sign exceptions.

SEC. 2. This act shall take immediate effect.

Approved March 13, 1879.

[No. 9.]

AN ACT making an appropriation for the purchase of books for the state library.

Amount appropriated.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one thousand five hundred dollars for the year one thousand eight hundred and seventy-nine, and the sum of one thousand five hundred dollars for the year one thousand eight hundred and eighty, be and the same is hereby appropriated out of any money in the treasury of the state, to the credit of the general fund, not otherwise appropriated, for the purchase of books for the state library.

How drawn.

SEC. 2. The money so appropriated shall be drawn from the state treasury upon the warrant of the auditor general, and shall be expended by the state librarian with the advice and consent of the governor, for the purpose aforesaid.

SEC. 3. This act shall take immediate effect.

Approved March 15, 1879.

[No. 10.]

AN ACT to amend section number thirty-six, of chapter twenty-one, being compiler's section one thousand and two of the compiled laws of eighteen hundred and seventy-one, relative to the assessment and collection of taxes.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section number thirty-six, of chapter twenty-one, being compiler's section one thousand and two of the compiled laws of eighteen hundred and seventy-one, relative to the assessment and collection of taxes, be so amended as to read as follows:

When supervisor to deliver corrected roll to town treasurer.

(1002.) SEC. 36. The supervisor, after the delivery of such receipt, and on or before the first Monday of December, shall deliver to the township treasurer a copy of the corrected assessment roll of his township, with the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school, library, two-mill, and school-house taxes in one column; the highway taxes in another, the township taxes in another, the county taxes in another, and the state taxes in another column; and if other taxes are at any time required by law, they shall be placed each in another column; and the warrant for their collection shall specify, particularly, the several amounts and purposes for which said taxes are to be paid into the township and county treasuries respectively. Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof, and such township clerk shall immediately charge the amount of such taxes to the township treasurer. The supervisor and assessors shall be allowed for their services in assessing property and copying the tax rolls, and for

Warrant for collection, what to specify.

Town clerk to charge amount of taxes to treasurer.

Per diem of supervisors, how paid.

extending the taxes thereon, at the rate of two dollars for each day actually and necessarily spent in perfecting the same, which shall be verified, audited, and paid in the townships, in the same manner provided by law for the payment of other township officers, and they shall receive payment from no other source: *Provided*, That the city of Detroit shall be exempted from the provisions of the last clause of this section, and the common council shall have power to fix and determine the compensation of the city assessor thereof: *Provided further*, That the township of Kalamazoo, in the county of Kalamazoo, shall also be exempted from the provisions of the last clause of this section, and the township board of said township shall have power to fix and determine the compensation of the supervisor of said township; but the amount paid for such services shall not exceed the sum of one thousand dollars per annum.

Proviso as to
Detroit.

Proviso as to
Kalamazoo.

SEC. 2. This act shall take immediate effect.
Approved March 19, 1879.

[No. 11.]

AN ACT to authorize the surveying and establishing of section corners of unsurveyed lands.

SECTION 1. *The People of the State of Michigan enact*, That when it appears by the field notes of the United States survey of this state, on file in the state land office, that any section or quarter section corner or corners were omitted and were not established by such survey, the commissioner of the state land office is hereby authorized and directed to establish any such missing corners, in any county in this state, when requested by the board of supervisors thereof. The commissioner of the state land office is hereby directed to appoint and designate a competent surveyor to make the necessary surveys.

Commissioner of
land office to
establish.

Appointment of
surveyor.

SEC. 2. The surveyor so appointed shall receive a compensation for his time, actually employed, not to exceed four dollars per day, and his necessary expenses for chain-men and assistance. The surveyor's bill for services and expenses shall be made on forms furnished by the commissioner of the state land office, and itemized and sworn to, and shall be audited by the board of state auditors, and, when allowed by them, shall be paid out of the general fund: *Provided*, That if in the progress of the surveys authorized by this act, the surveyors shall deem it necessary to establish any lost corners adjacent, the expense thereof shall be paid by the county in which the work is done.

Compensation of
surveyor.

Proviso.

SEC. 3. The original notes of the field work done under the provisions of this act, shall be placed on file in the state land office, and all corners established by this act shall be as legal as though they were established by the original United States survey.

Field notes to be
filed in land
office.

SEC. 4. This act shall take immediate effect.
Approved March 20, 1879.

[No. 12.]

AN ACT to organize the county of Crawford.

Territory
organized.

SECTION 1. *The People of the State of Michigan enact*, That the county of Crawford, consisting of the territory embraced by the present county of Crawford, being townships twenty-five north, of ranges one, two, three, and four west, also townships twenty-six north, of ranges one, two, three, and four west, also townships twenty-seven north, of ranges one, two, three, and four west, and townships twenty-eight north, of ranges one, two, three, and four west, be and the same is hereby organized into a separate county by the name of Crawford, and the inhabitants thereof shall be entitled to all the privileges, powers, and immunities to which by law the inhabitants of other organized counties in this state are entitled.

Election of
county officers.

SEC. 2. At the township meeting of the several townships in said county, to be held on the first Monday of April next, there shall be an election of all the county officers to which by law the said county is entitled, who shall hold their respective offices until the first day of January in the year of our Lord, eighteen hundred and eighty-one, and until their successors shall have been elected and qualified. Said election shall be conducted in the same way, by the same officers, and the returns thereof made in the same manner, as near as may be, as is now required by law in the election of county officers in this state.

Canvass of votes.

SEC. 3. The county canvass of the votes cast for county officers, shall be held on the second Tuesday succeeding the election, at the village of Grayling, in the county aforesaid, and said canvass shall be conducted in the same way and by the same officers, as the requirements of law now provide in organized counties, as nearly as may be, by the appointment by the board of canvassers, of one of their own number to act as secretary to said board of county canvassers.

Location of
county seat.

SEC. 4. The location of the county-seat of said county shall be determined by a vote of the electors of said county at a special election, which is hereby appointed to be held by the several townships of said county, on the second Monday of July, in the year of our Lord eighteen hundred and seventy-nine. There shall be written or printed on the ballots there polled by the qualified electors of said county, the name of one place, and the place which shall receive the highest number of votes cast at such election shall be the county-seat of the county of Crawford.

Elections, how
conducted, etc.

SEC. 5. It shall be the duty of the several boards of township inspectors in each of the townships of the said county, to conduct the elections authorized by the provisions of this act, and to make returns thereof in accordance with the general provisions of law for conducting general elections in this state, so far as the same may be applicable thereto.

Canvass of votes
for county seat.

SEC. 6. The board of county canvassers for the special election for locating the county-seat, shall consist of the persons appointed on the day of such special election by the several boards of township

inspectors; and said board of county canvassers shall meet on the second Tuesday succeeding the day of said special election at the village of Grayling, in the county aforesaid, and having appointed one of their number chairman and the county clerk of said county acting as secretary, shall proceed to canvass the votes, and determine the location of the county-seat in accordance therewith, and it shall be the duty of the clerk of said board to file a copy of the determination of said board as to the location of the county-seat, signed and certified by him and countersigned by the chairman, with the secretary of state and with each of the township clerks of the several townships in said county.

SEC. 7. The county-seat for said county of Crawford, shall be temporarily located at the village of Cheney, in Centerplains township in said county, until the county-seat has been located as provided for in section four of this act. Temporary county seat.

SEC. 8. The said county of Crawford when so organized shall be in the eighteenth judicial circuit.

SEC. 9. The register of deeds of said county shall make or cause to be made, a transcript of all records made in other counties, which are necessary to be and appear upon the records of said county of Crawford, and the board of supervisors of said county shall within one year after the first meeting of the board, make provisions for defraying the expense of the same. Register of deeds to make transcript of records.

SEC. 10. The secretary of state is hereby directed to furnish the township clerk of the township of Grayling with a certified copy of this act, and it shall be the duty of said clerk to give the same notice of the elections to be held under the provisions of this act, that is required by law to be given by the sheriffs of organized counties. Secretary of State to furnish copy of act.

SEC. 11. This act shall take immediate effect.

Approved March 22, 1879.

[No. 13.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to repair and reconstruct that portion of the Cass river and Bay City state road in township fourteen north, of range nine east, bounded on the north by sections one and two, and on the south by sections eleven and twelve, and to construct side drains thereto.

SECTION 1. *The People of the State of Michigan enact,* That the state board of control of state swamp lands are hereby authorized to appropriate as many acres of state swamp lands in the lower peninsula, not "exceeding ten thousand acres," as they may deem proper, after a full investigation of its merits, to aid in repairing and rebuilding that part of the Cass river and Bay City state road situated in township fourteen north, of range nine east, in the county of Tuscola, bounded on the north by sections one and two, and on the south by sections eleven and twelve, in said Board authorized to appropriate lands.

Proviso.

township, and also to construct side drains thereto, said drain to commence one hundred and sixty rods north of southeast corner of section fifteen, in the aforesaid township, and in such directions as said board may determine, to a point thirty rods west and five rods north of the center of section twenty-six, township fifteen north, of range nine east, in the county of Huron, to a branch of the Sebewaing river, known as the Faber creek: *Provided*, That such repairs and re-construction shall be done in pursuance of the provisions of law in relation to the construction of swamp land state roads and drains.

SEC. 2. This act shall take immediate effect.

Approved March 24, 1879.

[No. 14.]

AN ACT to amend sections eighteen and thirty-three of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, relative to the compensation of inspectors, and salaries of officers and keepers of the state prison.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eighteen and thirty-three of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, being an act to revise and consolidate the laws relative to the state prison, and the government and discipline thereof, and to repeal all acts inconsistent therewith, be amended so as to read as follows:

Compensation of inspectors.

SEC. 18. The inspectors shall be allowed for their services respectively three dollars for each and every day actually and necessarily occupied in inspecting the prison and inquiring into the management thereof, and their actual traveling expenses in going to and from the prison, to be verified on oath, and paid by the state treasurer on the warrant of the auditor general.

Salaries of officers.

SEC. 33. There shall be paid monthly at the office of the state prison to the officers thereof the following annual salaries, to wit: to the warden, a sum not exceeding fifteen hundred dollars; to the deputy warden, a sum not exceeding one thousand dollars; to the clerk, a sum not exceeding one thousand dollars; to each of the keepers, a sum not exceeding six hundred dollars; to the physician, a sum not exceeding one thousand dollars; and to the chaplain, a sum not exceeding one thousand dollars, as the inspectors, in their discretion, may deem for the best interests of the prison; and the agent, keepers, guards, and all employés of the prison shall be paid such compensation as the inspectors shall deem just and reasonable, and shall direct. None of the salaries fixed at the sums aforesaid shall be increased beyond the limit above authorized without the knowledge and concurrence of the governor. The warden shall, in addition to his salary, be allowed the use of house, fire, wood, and lights, and provision for his family, and for guests who visit him on business connected with the prison,

Not to be increased without concurrence of governor.

Warden allowed use of house, etc.

from the stock provided for the use of the prison; and the deputy warden shall be allowed the use of the house known as deputy's house, free of rent, and no officer or other person employed in or about the prison shall be permitted to receive, in any way, perquisites, emoluments, or supplies for themselves or their families from the prison, other than the compensation allowed by law. Deputy allowed use of house.

The inspectors may, if they shall deem it for the interest of the prison, require the keepers, guards, and such of the employés as they may designate, to be lodged and messed or boarded in the prison, and for that purpose may furnish lodging rooms in a plain and substantial manner and supply provisions from the prison stock, which shall be cooked and prepared by the labor of convicts, and served at such times and in such place as the inspectors may direct. Officers not allowed perquisites. Inspectors may require certain employes boarded in prison.

SEC. 2. This act shall take immediate effect.

Approved March 24, 1879.

[No. 15.]

AN ACT to reorganize the first, fourth, seventh, and sixteenth judicial circuits, and to create the twenty-second and twenty-fourth judicial circuits.

SECTION 1. *The People of the State of Michigan enact, That* First circuit.
the counties of Hillsdale and Lenawee are hereby formed into and constituted a judicial circuit to be known as the first judicial circuit. And the counties of Jackson and Ingham are hereby formed Fourth circuit.
into and constituted a judicial circuit to be known as the fourth judicial circuit. And the counties of Shiawassee, Livingston and Seventh circuit.
Genesee are hereby formed into and constituted a judicial circuit, to be known as the seventh judicial circuit. And the counties of Macomb and Saint Clair are hereby formed into and constituted a judicial circuit to be known as the sixteenth judicial circuit.

SEC. 2. The judges of the judicial circuits mentioned in the foregoing section as heretofore organized respectively, shall continue to hold their offices as judges of said circuits as herein organized respectively, and shall continue to hold court throughout their present circuits until the first day of May, eighteen hundred and seventy-nine. Judges to continue to hold office, etc.

SEC. 3. That the counties of Washtenaw and Monroe be and are hereby formed into one judicial circuit, to be known as the twenty-second judicial circuit. Twenty-second circuit.
That the counties of Sanilac, Huron and Tuscola be and are hereby formed into one judicial circuit, to be known as the twenty-fourth judicial circuit. Twenty-fourth circuit.

SEC. 4. The qualified voters of the counties mentioned in the third section of this act shall, on the first Monday in April, in the year eighteen hundred and seventy-nine, elect a circuit judge of the circuit of which they are hereby made a part respectively, who shall hold his office commencing on the first day of May, eighteen hundred and seventy-nine, and until the first day of January, Election of judges. Term of office.

- eighteen hundred and eighty-one, and until their successors are elected and qualified.
- Notice of election.** SEC. 5. It shall be the duty of the sheriffs of the several counties mentioned in section three of this act, at least ten days previous to the first Monday in April, eighteen hundred and seventy-nine, to notify the township clerk of each township, and ward inspectors of election in each ward of any city in their respective counties, of said election of circuit judge, and township clerks and ward inspectors shall post notices in the usual manner for such elections in townships and wards at least three days previous to the day of election.
- Election, how conducted.** SEC. 6. The said election for circuit judges shall be conducted and returns made as prescribed by law for the election of circuit judges for the several judicial circuits of this state, and the state board of canvassers shall, without delay, on the receipt of the certified statements of the votes given in said counties named in the third section of this act, proceed to canvass the votes and to deliver to the persons elected, a copy of their determination or certificate of election as required by law.
- Canvass of votes.** SEC. 7. Courts shall be held in the several counties affected by this act at the time and places heretofore designated by the circuit judges of the several judicial circuits to which the said counties now belong.
- Courts to be held as heretofore designated.** SEC. 8. The circuit judges in the judicial circuits reorganized by this act, shall have power to settle bill of exceptions, decide and determine cases submitted to them before the first day of May, eighteen hundred and seventy-nine, and do all judicial acts in any cases now submitted to them, the same as if this act had not passed, and said circuit judges in said circuits may issue the writ of *habeas corpus*, *certiorari*, and injunction at any time in any of the counties forming the twenty-second and twenty-fourth judicial circuits, before the first day of May, eighteen hundred and seventy-nine.
- Power of judges.** SEC. 9. All acts or parts of acts contravening the provisions of this act are hereby repealed.
- Acts repealed.** SEC. 10. This act shall take immediate effect.
- Approved March 25, 1879.

[No. 16.]

AN ACT to legalize the election of the officers of certain school districts.

Election of officers legalized. SECTION 1. *The People of the State of Michigan enact, That the action heretofore had of the electors in each and every school district in this state, in electing the officers of such districts in any other manner than by ballot, is hereby declared legal and valid.*

SEC. 2. This act shall take immediate effect.
Approved March 26, 1879.

[No. 17.]

AN ACT to amend and reenact section three of an act entitled "An act to organize the county of Roscommon," approved March twentieth, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section three of an act entitled "An act to organize the county of Roscommon," approved March twentieth, eighteen hundred and seventy-five, which was repealed by act number one hundred and thirty-seven of the session laws of eighteen hundred and seventy-seven (1877), be and the same is hereby amended and reenacted so as to read as follows:

SEC. 3. The location of the permanent county-seat of said Location of county seat.
 county shall be determined and established by the votes of the electors of said county by ballots at an election to be held for that purpose at the annual township meeting on the first Monday of April, eighteen hundred and seventy-nine. The ballots may be written or printed, or part written and part printed, and shall each designate one place for the location of the county-seat, and the votes shall be canvassed and the returns thereof made in the same manner, as near as may be, as provided in section two of this act, and the place which shall receive the highest number of votes cast at such election shall be the established county-seat of Roscommon county, from and after the first day of May, eighteen hundred and seventy-nine; and the county canvass shall be had within the same time and in the same manner, as near as may be, as is now required by law in general elections in this state.

SEC. 2. In the event of Roscommon village being designated as Location in Roscommon village.
 the county-seat of Roscommon county, Michigan, Daniel Bennett, Henry L. Parker, and Jenson P. Beers are hereby empowered and authorized to locate said county-seat in said village, and said location shall be [the] permanent county-seat of said county.

SEC. 3. This act shall take immediate effect.

Approved March 26, 1879.

[No. 18.]

AN ACT to amend consecutive section one thousand and forty-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and thirty-five of the session laws of eighteen hundred and seventy-five, approved April twenty-seven, eighteen hundred and seventy-five, and to amend consecutive sections one thousand and fifty-seven, one thousand and fifty-eight, one thousand and ninety-one, one thousand and ninety-three, one thousand and ninety-five, one thousand one hundred and fifteen, and one thousand one hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, relative to the execution of deeds by the auditor general.

SECTION 1. *The People of the State of Michigan enact, That*

Sections amended.

consecutive section one thousand and forty-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and thirty-five of the session laws of eighteen hundred and seventy-five, approved April twenty-seven, eighteen hundred and seventy-four,* and to amend consecutive sections one thousand and fifty-seven, one thousand and fifty-eight, one thousand and ninety-one, one thousand and ninety-three, one thousand and ninety-five, one thousand one hundred and fifteen, and one thousand one hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, relative to the execution of deeds by the auditor general, be amended so as to read as follows:

Auditor General to make annual statement of lands upon which taxes are due.

(1044.) SEC. 78. On the first day of July of each year, the auditor general shall make out a separate statement of all such lands as the taxes shall remain due upon, in each of the respective counties, specifying the amount of taxes due on each parcel, the interest thereon, computed as is provided in section seventy of this act, to the first day of October thereafter, together with the costs of advertising, postage, expense of sale, and returns thereon and conveyances, which shall be charged at one dollar upon each parcel of land contained in such list; and accompanying or preceding such statements the auditor general shall cause to be published, as hereinafter shall be provided, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause, not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest, and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; also, a notice of sale, by the county treasurer, of state tax lands; and deeds given by the auditor general or his deputy to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given, the deed for the latest year's tax taking precedence; and the interest on such readvertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Publication of list of lands not sold on account of error.

Deeds given by auditor general or deputy.

Deed to purchaser.

(1057.) SEC. 91. On presentation of such certificate of sale to the auditor general or his deputy, after the expiration of the time provided by law for the redemption of land sold as aforesaid, the auditor general or his deputy shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be *prima facie* evidence of the regularity of all the proceedings, from the valuation of the lands by the assessors to the date of the deed inclusive, and of title in fee in the purchaser, and every such deed shall be witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases.

Proceedings when certificate of sale is lost.

(1058.) SEC. 92. In case of the loss of such certificate of sale, the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was, at the time of such loss,

* Error: should read 1875.

the *bona fide* and legal holder thereof; and the auditor general or his deputy shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and, if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the auditor general, shall be liable to the penalties of perjury, for any false statement made in such affidavit with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offense.

(1091.) SEC. 125. The auditor general or his deputy shall, on the presentation and surrender of the state tax land certificates of sale at his office, or as soon thereafter as may be (except in cases where the land has been previously sold at the auditor general's office, or redeemed, when the purchase money only shall be refunded), execute a deed of the land to the purchaser, or his assigns, which shall convey all the right acquired by the state under the original sale or sales: *Provided*, That such deed shall be subject to all the conditions, and have the same force and effect, as is given by section ninety-one of this act to deeds executed in accordance with the provisions thereof.

Deed to purchaser by auditor general or deputy.

(1093.) SEC. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount paid therefor, together with twenty-five per cent interest as contemplated and provided in section ninety-three of this act; if otherwise discharged, then to the amount paid by him, with interest at seven per cent per annum, to be computed from the date of the purchase to the date of such discharge; but if such lands are not redeemed or otherwise discharged according to law, the auditor general or his deputy shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described.

Redemption.

(1095.) SEC. 129. Upon application and payment being made, as above mentioned, the auditor general or his deputy shall execute to such purchaser a deed, conveying all the right, title, and interest of the state in and to said state tax lands, acquired by virtue of the original sale or sales to the state.

When deed to issue.

(1115.) SEC. 149. In all cases of sale of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the auditor general, or his deputy, to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed; which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred, the same rule shall apply, and all deeds here-

Tax deeds to deceased persons.

tofore issued in the name of any person deceased who if living at the time of the execution thereof would have been entitled thereto, shall have like effect as above provided.

When auditor or
deputy to issue
second tax deed.

(1128.) SEC. 162. The auditor general of this state (or his deputy) is hereby authorized to execute a second deed upon tax-sale certificates in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof in the proper county have been, or that such deed, if not recorded, has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall be executed to the same party only as the first, and shall recite the loss or destruction of the former deed, and its date, if possible, and shall only have the same force and effect; and it shall inure for the benefit of the grantee in the first, his heirs or assigns, as the case may be, in the same way as the first would have done if it had not been lost or destroyed, and shall have no other effect whatsoever.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1879.

[No. 19.]

AN ACT to amend sections one, two, and four of an act entitled "An act to provide for laying out and establishing a state road in the counties of Ontonagon and Houghton," approved April seventeenth, eighteen hundred and seventy-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, and four of an act entitled "An act to provide for laying out and establishing a state road in the counties of Ontonagon and Houghton," approved April seventeenth, eighteen hundred and seventy-one, be amended so as to read as follows:

Commissioners.

SECTION 1. That Richard Chynoweth, Lewis M. Dickens, of the county of Ontonagon, and John Q. McKernan, of the county of Baraga, be and are hereby appointed commissioners to lay out, establish and superintend the construction of a state road, commencing at the Bohemian mine, in the county of Ontonagon, and running thence to the village of Baraga, in the county of Baraga, to be known as the Baraga and Ontonagon state road: *Provided*, That the said commissioners shall take and file an oath of office with the county clerk of Ontonagon county before assuming any of the duties under this act: *And provided further*, That a vacancy occurring in this board shall be filled by the governor of this state.

Proviso.

Baraga and
Ontonagon coun-
ties authorized
to construct road.

SEC. 2. The counties of Baraga and Ontonagon are hereby authorized to undertake the construction of such work jointly, each bearing such proportion of the entire cost as may be agreed on by their respective boards of supervisors, or said boards may apportion the work between the said counties, each county constructing such portion of the road as may be assigned to it, but work shall not be commenced by either county until a formal agreement is made between said boards, which agreement shall

also apportion between the counties the lands appropriated under this act. And as soon as said counties shall file a list of lands selected under the provisions of this act, it shall be the duty of the commissioner of the state land office to reserve said lands from sale: *Provided*, Said reservation shall not be for a longer period than three years: *And provided further*, That if said counties of Baraga and Ontonagon fail to agree upon the construction of said road before May first, eighteen hundred and eighty, it shall be competent for the board of control of state swamp lands to provide for its construction in the usual way.

Lands to be reserved.

Proviso.

SEC. 4. Upon filing with the commissioner of the state land office a statement of the apportionment made by the counties of the lands hereby appropriated, certified by the respective clerks of Baraga and Ontonagon counties, and upon satisfactory showing to the board of control of state swamp lands by a certificate from the state swamp land commissioner or other authorized agent of said board that said road has been constructed in as good and substantial a manner as the board now require in the construction of state roads, the said counties or their assigns shall receive said lands in the proportion to which they may be entitled to them by the terms of said apportionment.

Apportionment between counties.

SEC. 2. This act shall take immediate effect.

Approved March 29, 1879.

[No. 20.]

AN ACT to fix the per diem of members of the state legislature from the Upper Peninsula for and during the session of eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the compensation, mileage, and allowance for stationery, as fixed by law for members of the legislature, the members representing territory of the Upper Peninsula shall be allowed and paid two dollars per diem as extra compensation during the session of the legislature of the year eighteen hundred and seventy-nine.

Extra pay to members from Upper Peninsula

SEC. 2. This act shall take immediate effect.

Approved April 1, 1879.

[No. 21.]

AN ACT to amend section two of an act approved March sixteenth, eighteen hundred and forty-seven, and entitled "An act to amend an act, entitled 'An act to authorize the sale of the Central railroad and to incorporate the Michigan Central Railroad Company,'" approved March twenty-eighth, eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That

Section amended.	section two of an act approved March sixteenth, eighteen hundred and forty-seven, and entitled "An act to amend an act entitled 'An act to authorize the sale of the Central railroad and to incorporate the Michigan Central Railroad Company,'" approved March twenty-eighth, eighteen hundred and forty-six, be and the same hereby is amended so as to read as follows:
When directors chosen.	SEC. 2. The directors of said company shall hereafter be chosen annually on the first Thursday after the first Wednesday in May instead of the second Monday in June, as provided in the twenty-fifth section of said act: <i>Provided</i> , That this act shall in nowise be construed as an extension or renewal of the charter of said company, and that said company waives any and all claims of damages by reason of this amendment to their charter when the same shall be accepted by said company.
Proviso.	SEC. 2. This act shall take immediate effect. Approved April 1, 1879.

[No. 22.]

AN ACT to appropriate twenty-five thousand dollars to reimburse the military fund, for expenses incurred in calling out the state troops during the railroad strike, in the year eighteen hundred and seventy-seven.

Appropriation for military fund.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the sum of twenty-five thousand dollars be and the same is hereby appropriated for the year eighteen hundred and seventy-nine, to reimburse the military fund for expenses incurred by calling out the state troops during the railroad strike, in the year eighteen hundred and seventy-seven; the amount to be drawn from the state treasury on estimates of the military board approved by the governor.
To be drawn on estimates.	SEC. 2. The amount appropriated by section one of this act, shall be apportioned by the auditor general, in the state tax for the year eighteen hundred and seventy-nine.
To be apportioned in state tax.	SEC. 3. This act shall take immediate effect. Approved April 1, 1879.

[No. 23.]

AN ACT to confer certain powers upon manufacturing companies.

Offices may be established in other states.	SECTION 1. <i>The People of the State of Michigan enact</i> , That it shall be lawful for any manufacturing company heretofore incorporated or organized under any law or laws of this state, or which may hereafter be incorporated or organized under the same, to establish an office or offices for the transaction of business without this state, and within the United States, and to hold any meeting of the stockholders or directors of such company at such office so
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provided for: *Provided*, That there shall always be one business office within this state, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such company. The place of holding such offices shall be fixed by a vote of a majority of stockholders at any lawful meeting called for that purpose, and after being fixed shall not be changed within one year, and shall be certified by the directors or trustees of such company or association within two months from the time such office or offices were so located. How place of holding offices fixed.

SEC. 2. In all cases wherein any such company or the directors thereof may have established any such office or offices without this state, and within the United States, before the passage of this act, the same shall be and remain the office or offices of such company, until changed by such company or the directors thereof: *Provided*, Notice be given of the location of said office or offices to the secretary of state as provided for in section one of this act. Offices now established to remain. Proviso—notice to secretary of state.

SEC. 3. All meetings heretofore held or corporate acts done without the limits of this state by any such company, shall be held and are hereby declared to be as lawful and binding as though held or done in this state: *Provided always*, That such meetings and acts would have been valid if had within this state. Meetings heretofore held, lawful. Proviso.

SEC. 4. This act shall take immediate effect.

Approved April 1, 1879.

[No. 24.]

AN ACT to amend sections one and two of an act entitled "An act to ascertain the annual cereal products of the state of Michigan," approved February fourteenth, eighteen hundred and fifty-nine, being sections eight hundred and four and eight hundred and five of chapter fifteen, of the compiled laws of eighteen hundred and seventy-one, and to add three new sections thereto.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of an act entitled "An act to ascertain the annual cereal products of the state of Michigan," approved February fourteenth, eighteen hundred and fifty-nine, being sections eight hundred and four and eight hundred and five of chapter fifteen of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows: Sections amended.

(804.) SECTION 1. That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of April and the third Monday of May in each year, to ascertain and set down in a table prepared for that purpose, the number of acres of improved land and the number of acres of unimproved land in each farm; the number of acres [sown] with wheat then on the ground; the number of acres and the number Supervisors, etc., to collect statistics.

- of bushels each of corn, wheat, peas, oats, clover seed, barley, and potatoes raised, and the number of acres and the number of tons of hay cut the preceding year; the number of pounds of wool, and the number of sheep sheared the preceding year; the number each of horses, cattle (other than milch cows), sheep and hogs six months old and over; the number of milch cows; the number of acres of apple trees, and the number of acres of peach trees, and the number of bushels each of apples and peaches sold the preceding year; and the number of bushels of small fruit including cherries, currants, plums, and berries, and the number of pounds of grapes sold the preceding year; and it shall be the duty of each supervisor and assessor to forward the said tabular statement to the secretary of state, on or before the first day of June next thereafter, officially certified to as being correct and true according to his best knowledge and belief.
- To forward statement to secretary of state.** (805.) SEC. 2. The secretary of state shall cause an abstract of said information to be presented to the governor on the first day of August or as soon thereafter as practicable, showing for each town the number of acres of improved land, and the number of acres of unimproved land in farms; the number of each class of live stock and the number of acres of each crop to each one hundred acres of improved land.
- Secretary of state to present abstract to governor.** SEC. 2. That there shall be added to said act three new sections to stand as sections three, four, and five, and to read as follows:
- Sections added.** SEC. 3. The secretary of state shall, as soon as practicable after the passage of this act, transmit to each county clerk of this state, a sufficient number of copies of this act to furnish each supervisor or assessor of his county with one; also a sufficient number of blanks to be prepared by him to be used in carrying out the provisions of this act. The county clerk of each county shall, on receiving the same, immediately distribute said copies and blanks to the supervisors or assessors of his county. The secretary shall each year thereafter, before the first day of April, transmit to each county clerk, a sufficient number of blanks to be distributed by such clerk to the supervisors or assessors of his county, to be used in carrying out the provisions of this act.
- Copies of act to be sent to county clerks.** SEC. 4. Any supervisor or assessor willfully neglecting or refusing to perform all the duties prescribed in this act, within the time limited by this act, shall forfeit the sum of fifty dollars, to be recovered in an action of debt, in the name of the people of the state of Michigan, for the use of the county where such failure occurred.
- Clerk to distribute.** SEC. 5. It shall be the duty of the secretary of state to notify the prosecuting attorney of the county of any forfeiture under this act, who shall immediately commence a suit for the recovery thereof, and prosecute the same to a final termination.
- Blanks to be transmitted to county clerks.** SEC. 6. This act shall take immediate effect.
- Penalty for supervisor neglecting to perform duties.** Approved April 2, 1879.
- Secretary of state to notify prosecuting attorney.**

[No. 25.]

AN ACT to establish the Benton Harbor Ship Canal as a common highway and public navigable waters.

SECTION 1. *The People of the State of Michigan enact, That* the Benton Harbor ship canal, leading from the village of Benton Harbor, in the county of Berrien, thence into the St. Joseph river, at or near the mouth of the Paw Paw river, is and hereafter shall be a common highway, forever free to the citizens of the United States, without any tax, impost, or duty imposed upon the navigation thereof, and as such common highway it is and hereafter shall be subject to the laws governing public navigable waters.

SEC. 2. This act shall take immediate effect.

Received in the Executive Office April 3, 1879.*

[No. 26.]

AN ACT to amend section two of chapter one hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand four hundred and two, relative to the appraisal of the estates of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter one hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand four hundred and two, be and the same is hereby amended so as to read as follows:

(4402.) SEC. 2. The estate and effects comprised in the inventory shall be appraised by two or more disinterested persons, appointed by the judge of probate for that purpose, who shall be sworn to the faithful discharge of their trust; and if any part of such estate or effects shall be in any other county, appraisers thereof may be appointed either by the judge of probate having jurisdiction of the case, or by a disinterested justice of the peace of such other county: *Provided*, That when the assets of such estate shall consist entirely in money, no appraisement thereof shall be made.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1879.

[No. 27.]

AN ACT to amend section twenty-five of chapter one hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand eight hundred and thirty-four, relative to the appraisal of the estates of wards.

SECTION 1. *The People of the State of Michigan enact, That*

* Became a law under section 14, Article IV. of the constitution, without the approval of the governor.

Section amended.	section twenty-five of chapter one hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand eight hundred and thirty-four, be and the same is hereby amended so as to read as follows:
Appraisal of estate.	(4834.) SEC. 25. Upon the taking of any inventory required by this chapter, the estate and effects comprised therein shall be appraised by two or more suitable persons, to be appointed and sworn in like manner as is required with respect to the inventory of the estate of a deceased testator or intestate: <i>Provided</i> , That no such appraisal need be had if such estate shall consist entirely of money; and every guardian shall account for and dispose of the personal estate of the ward, in like manner as is directed with respect to executors and administrators.
Proviso.	SEC. 2. This act shall take immediate effect. Approved April 3, 1879.

[No. 28.]

AN ACT to amend section twenty-two of act number fifty-eight of the session laws of eighteen hundred and seventy-five, approved March twenty-sixth, eighteen hundred and seventy-five, relative to the adoption of children belonging to the state public school.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That section twenty-two of act number fifty-eight, of the session laws of eighteen hundred and seventy-five, approved March twenty-sixth, eighteen hundred and seventy-five, be amended so as to read as follows:
Who may consent to the adoption of children.	SEC. 22. That the superintendent, or agent, or board of control of the state public school, is hereby authorized to consent to the adoption of any child, who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled an act to provide for changing the names of minor adopted children and of other persons, approved February second, eighteen hundred and sixty-one, and that on such adoption the said board of control shall cease to be the guardian of the child so adopted.
	SEC. 2. This act shall take immediate effect. Approved April 3, 1879.

[No. 29.]

AN ACT to promote the early extension of the Menominee River Railroad through the Menominee iron range.

Amount of land appropriated.	SECTION 1. <i>The People of the State of Michigan enact</i> , That for the purpose of promoting the early extension of the Menominee River Railroad through the Menominee iron range, from its present terminus at Quinnesec, near section thirty-four, town forty
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north, of range thirty west, to the Michigamme river, and for the purpose of drainage and reclamation, the state hereby grant to the Menominee River Railroad Company, to aid in the construction of such railroad, on the line aforesaid, to the extent of seven sections per mile of said railroad, to be selected from the vacant and unreserved state swamp lands belonging to this state, in any portion or portions of the counties of Menominee and Delta, except in range eighteen west, being the easternmost range in Delta county; but the title to the lands so granted shall not vest in said company until said railroad or the portions thereof as hereinafter provided shall be completed and accepted, and only in amounts proportionate to the number of miles so completed and accepted.

Counties in which to be selected.

SEC. 2. Should said railroad company, accepting the provisions of this act, its successors or assigns, fail to construct five consecutive miles of its railroad before the first day of January, in the year of our Lord eighteen hundred and eighty-one, in addition to that portion of said railroad already completed, and ten miles of railroad each year thereafter, then all grants of land herein made for that portion of the line not completed within the time herein specified, shall revert to the people of this state: *Provided, however,* That if said railroad company shall in any one year construct more than the number of miles of railroad hereinbefore required to be constructed in such year, the excess shall be credited to said company on the amount of railroad to be built and completed by said company in the next succeeding year or years, and said company shall be entitled to receive of the lands hereby granted, an amount of land equivalent to seven sections for each mile of railroad actually constructed.

When grant of land to revert to State.

Provido.

SEC. 3. The said railroad company, accepting the provisions of this act shall deposit, within sixty days after the passage of this act, plats or maps of the portion of the said railroad already constructed under prior acts of the legislature, and upon and after the adoption of each succeeding five miles or more of the line of said road, plats or maps of the survey thereof, in the office of the secretary of state, and duplicates thereof with the commissioner of [the] state land office.

Plats or maps, where filed.

SEC. 4. It shall be the duty of the commissioner of the state land office, upon the passage of this act and the acceptance of the provisions hereof by said company, to withdraw from sale all the vacant and unreserved state swamp lands belonging to this state in the counties of Menominee and Delta (excepting in range eighteen, aforesaid), being the same which have been heretofore withdrawn from sale, under and according to the provisions of act number thirty-four of the session laws of eighteen hundred and seventy-seven, being an act entitled "An act to promote the early construction of a railroad through the Menominee iron range," approved March twenty-third, eighteen hundred and seventy-seven, and of act number two hundred and twenty-seven of the session laws of eighteen hundred and seventy-five, being an act entitled "An act to promote the early construction of a railroad through the Menominee iron range," and to continue the same withdrawn

Lands to be withdrawn from sale.

Company to file lists of lands selected.	from sale until said company shall have filed with said commissioner lists of lands selected by it for the construction of each five miles or more of its line of road, until the final completion of said line: <i>Provided</i> , That [The] list or lists of said lands so selected for the construction of each portion of said line of railroad shall have been filed with the said commissioner within one year from the date of the deposit of the plat of such portion of its said line of railroad with said commissioner.
Proviso.	
Extent of lands selected withheld from sale.	SEC. 5. Upon the filing of all the lists of said swamp land so selected by said railroad company, with the commissioner of the state land office as aforesaid, it shall be his duty to continue withdrawn from sale the swamp lands embraced in said lists to the extent and amount of seven sections per mile of the whole of said line of railroad, according to the filed plats or maps thereof, so proposed to be constructed by said railroad company, to be disposed of according to the provisions of this act, and to restore all remaining lands unselected by said railroad company to the same condition they were in before such withdrawal from sale, for the purpose of sale or entry.
Lands to be restored.	
Lands exempt from tax.	SEC. 6. All lands granted by this act to aid in the construction of said line of railroad, shall, while they continue to be held by said railroad company, remain exempt from any tax levied for state, county, township, or any other purpose, for the term of five years from and after the date that said railroad company shall become entitled to said lands.
Railroad to be, first class.	SEC. 7. The said railroad shall be of first-class construction, with not less than twenty-six hundred cross-ties per mile, laid with iron or steel rails, of not less than fifty-six pounds per yard, joined by fish-plates, and of the gauge of four feet and eight and one-half inches.
Governor to examine road and certify approval.	SEC. 8. Before any lands shall be conveyed under the provisions of this act by the governor, he personally, or by some authorized agent, upon notification by said railroad company that the required number of miles or more have been completed within the time provided by this act, shall examine such section of completed railroad, and if, after full examination, he shall approve of the construction thereof, it shall be his duty to certify the same to the commissioner of the state land office, and patents shall be issued to the said railroad company for the construction of such completed portion of said line of railroad by the governor for the said lands to the amount provided in this act, and thereafter in like manner he shall examine, and upon approval, issue patents for each section of railroad actually constructed in compliance with the terms of this act, until the completion of the whole of the said line of railroad.
When patents to issue.	
When grant not forfeited if company fail to construct.	SEC. 9. If for any reason said railroad company shall fail to complete the number of miles of road herein required to be completed in each year, the rights of said railroad company to the grant contained in this act, shall not be forfeited if the progress of the work at such time shall be such as to render the completion

thereof assured to the satisfaction of the governor, within a reasonable time thereafter, not exceeding one additional year.

SEC. 10. Upon the filing by said railroad company in the office of the secretary of state of a notification of its acceptance of the provisions of this act, the same shall then become obligatory upon the state as well as upon said railroad company: *Provided*, Said notification shall be given within sixty days after the passage of this act.

Notification of acceptance binding.

Proviso.

SEC. 11. This act shall not be taken nor construed to grant to said railroad company any greater or further or other grant of lands than that heretofore granted by and withdrawn from sale under the provisions of act number two hundred and twenty-seven of the public acts of eighteen hundred and seventy-five, entitled "An act to promote the early construction of a railroad though [through] the Menominee iron range," and also under act number [numbered] thirty-four of the public acts of eighteen hundred and seventy-seven, entitled "An act to promote the early construction of a railroad through the Menominee iron range."

Limit of lands granted.

SEC. 12. This act passed the Senate and House by a two-thirds vote of all the members elect, and ordered to take immediate effect.

Approved April 3, 1879.

[No. 30.]

AN ACT to amend sections one hundred and forty-six and one hundred and forty-eight of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relating to appeals to the supreme court from the circuit courts in chancery, the same being compiler's sections five thousand one hundred and eighty-two and five thousand one hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and forty-six and section one hundred and forty-eight of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, being compiler's sections five thousand one hundred and eighty-two and five thousand one hundred and eighty-four, be amended so as to read as follows:

Section amended.

(5182.) SEC. 146. It shall be the duty of the register upon payment to him of a sum not to exceed five dollars as his fees, by the appellant, to attach together the original bill, process, answer, replication, and all other pleadings, processes, motions, notices, orders, and decrees, which have been filed in said cause, together with the original minutes of all testimony in the cause, whether taken in open court by a commissioner, or settled by the court, and also a copy of all journal and calendar entries, and all other proceedings of record in the cause not embraced in the original papers hereinbefore mentioned, and transmit the same, together with his certificate of the genuineness of the said original, and the correctness of

Register to send papers to supreme court.

When appellant
deemed to have
waived appeal.

said copies of such journal and calendar entries and records, to the supreme court, within fifteen days after such appeal shall be perfected; and if an appellant shall neglect to pay to such register the fee above provided for making such returns for thirty days after such appeal has been perfected, he shall be deemed to have waived his appeal, and the appellee may at once proceed to enforce his decree the same as if no appeal had been taken.

Record to be
remitted to court
of chancery.

(5184.) SEC. 148. When an appeal shall have been so heard and determined, the records and files sent from the circuit courts in chancery, together with the proceedings and decree or order of the supreme court therein, and all things concerning the same shall be remitted to the circuit court in chancery, for the proper county, when such further proceedings shall be thereupon had as may be necessary to carry such decree or order into effect.

SEC. 2. All acts or parts of acts contravening this act are hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved April 3, 1879.

[No. 31.]

AN ACT to amend section twenty-three of act number one hundred and sixty-eight of the session laws of eighteen hundred and fifty-seven, being compiler's section three thousand three hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one, entitled "An act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of act number one hundred and sixty-eight of the session laws of eighteen hundred and fifty-seven, being compiler's section three thousand three hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one, entitled "An act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, be and the same is amended to read as follows:

Power of presi-
dent and trustees
to raise money
by tax.

(3321.) SEC. 23. The president and trustees shall have power to raise, by general tax, levied upon the taxable property liable to be assessed in such village, not exceeding one per cent in any one year, for the following purposes, viz.:

First, For paying the expenses of procuring such village to be incorporated;

Second, For purchasing fire engines and the necessary apparatus therefor, and implements for hook and ladder companies;

Third, For purchasing or leasing the necessary ground and erecting a suitable engine-house for every fire engine and its apparatus so procured, or for hiring suitable places for keeping them;

Fourth, For making and maintaining such public wells, cisterns,

and other reservoirs of water, and for procuring the necessary fixtures therefor as may be deemed necessary;

Fifth, For procuring the necessary ground and erecting a pound for the use of such village, and for keeping the same in repair;

Sixth, For purchasing, fencing, ornamenting, and improving ground for a cemetery or burial place;

Seventh, For laying out, opening, improving, and working the highways, streets, lanes, and alleys in such village;

Eighth, For making and repairing side and cross-walks, and improving the public grounds;

Ninth, For incidental expenses.

The president and trustees shall also have power to levy and Tax roll
cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant of such village between the ages of twenty-one and fifty years, excepting such persons as are exempted by general law from the payment of such tax, and the proceeds of such tax shall be applied exclusively for the purposes named in the seventh subdivision of this section: *Provided*, That every Provviso.
person liable to be assessed such tax may commute the same by performing one day's labor on the streets, highways, alleys, or lanes of such village, at the call and under the direction of the proper officer or officers.

SEC. 2. This act shall take immediate effect.

Approved April 4, 1879.

[No. 32.]

AN ACT to prevent the spread of the yellows, a contagious disease among peach, nectarine, and other trees, and to extirpate the same, and to repeal local act three hundred and seventy-nine of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person to keep any peach, nectarine, or other trees infected with the contagious disease known as the yellows; or to offer for sale or shipment, or to sell or ship to others, any of the fruit thereof; and no damages shall be awarded in any court in this state for the destruction of such diseased trees and fruit, as hereinafter provided; and it shall be the duty of every citizen as soon as he becomes aware of the existence of such disease in any tree or fruit owned by him, to forthwith destroy or cause the same to be destroyed.

Unlawful to keep trees infected with disease, or sell the fruit.

No damage for destruction of diseased trees.

Duty of owner to destroy.

SEC. 2. In any township in this state in which such contagious disease exists, or in which there is good reason to believe it exists, or danger may be justly apprehended of its introduction and spread, it shall be lawful for any five or more resident freeholders of the same or of an adjoining township to set forth such fact, belief, or apprehension in a petition addressed to the board of such township, requesting them to appoint three commissioners, as

Petition to township board to appoint commissioners.

hereinafter provided, to prevent the spread or introduction of said disease, and to eradicate the same, which petition shall be filed with and become a part of the records of the township to which such application is made.

Duty of clerk on receipt of petition.

SEC. 3. It shall be the duty of the township clerk on receipt of the petition specified in section two of this act, to call a meeting of the township board within ten days thereafter, and upon the assembling of said board, to lay such petition before them; whereupon it shall be the duty of said board, upon the hearing of said petition, to appoint three competent resident freeholders of such township as commissioners, who shall hold their office during the pleasure of said board; and such order of appointment and of revocation, when revoked, shall be entered at large upon the records of the township.

Board to appoint commissioners.

Duty of commissioners.

SEC. 4. It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptance of the same with the clerk of said township, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties of said commissioners, or either of them, which shall be a part of the records of said township.

Who may make complaint.

SEC. 5. Any one or more residents of the same or adjoining township may make complaint in writing and on oath, addressed to said commissioners, delivering the same to either of them, setting forth that said disease exists, or that he has good reason to believe it exists, upon lands within the township in which said commissioners reside, designating the same with reasonable certainty, or that trees or fruit infected with such disease are offered for sale or shipment, or have been introduced therein, designating the person in whose possession or under whose control such trees or fruit are believed to be.

Duty of commissioners when complaint is made.

SEC. 6. It shall be the duty of the commissioner to whom such complaint is delivered to proceed without unnecessary delay, to examine the trees or fruit so designated, and if he shall become satisfied that the contagious disease actually infects such trees or fruit, he shall without injuring the same fix a distinguishing mark upon each of the trees so infected, and immediately notify the person to whom such trees belong, personally or by leaving a written notice at his usual place of residence if he be a resident of the county, and if such owner be a non-resident of such county, then by leaving the same with the person in possession of such trees, requiring him within fifteen days, Sundays excepted, from the date of service of said notice, to effectually remove and destroy, by fire or other means, the trees so marked, and in case of fruit so infected such notice shall require the person in whose possession or control it is found, to immediately destroy the same or cause it to be done.

Notice to persons owning trees.

Penalty for neglect to destroy such diseased fruit after notification.

SEC. 7. If any person neglects to destroy, or cause to be destroyed such diseased fruit, after such examination and notification, but sells, ships, or disposes of the same to others, such person shall be

deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court; and any justice of the peace of the township where such fruit is sold, shipped, or disposed of, as aforesaid, shall have jurisdiction thereof.

SEC. 8. Whenever any person shall refuse or neglect to comply with the notice to remove and destroy the trees marked by the commissioner as aforesaid, it shall be the duty of said commissioner forthwith to notify the other commissioners to assemble with himself on the premises on which said trees shall be, on the fifteenth day, Sundays excepted, after he shall have made service of such notice, and then and there personally to examine the trees in question, and the evidence bearing upon the existence of said disease; and if said commissioners, or a majority of them, shall, after a proper examination of the matter, decide that said trees are infected with said disease, they shall, in case such trees so infected do not exceed six in number, order the same to be removed and destroyed forthwith, or cause it to be done, employing all necessary aid for that purpose, if the person in charge thereof refuses or neglects to do so; and in case the trees found to be infected shall exceed six in number, and the owner thereof shall, upon the service of said notice, refuse or neglect to remove the same in accordance with the provisions of the act and the terms of such notice, then and in that case said commissioners shall petition the circuit court for the county for an order, directing and empowering said commissioners to remove, or cause to be removed, such infected trees; and the court shall direct the defendant to be summoned, and an issue joined therein, and the cause to be tried in a summary manner; and if it shall appear on said trial that said trees are so infected, he shall grant the order prayed for, with costs of prosecution against the owner of such trees; but in case such trees are found not to be infected, he shall dismiss said proceeding, with costs to be taxed against the township in which such commissioners reside.

Duty of commissioner on neglect to remove or destroy trees.

Petition to circuit court.

SEC. 9. Every person who shall willfully refuse or neglect to comply with the notice of the commissioners, as hereinbefore provided, to remove and destroy said diseased trees, shall be liable for all the costs, charges, and disbursements made upon the proceedings of said commissioners and of the board of commissioners to effect such removal and destruction, together with a penalty of five dollars for each and every day, but not exceeding one hundred dollars in all, such trees as remain undestroyed, which costs, charges, disbursements, and penalty, shall be recovered of him in an action of trespass upon the case, in the form of assumpsit, brought and prosecuted by the supervisor, in the name and for the benefit of the township, and before any justice of the peace therein, in the same manner, and with like proceedings as are applicable in civil cases before such courts; and upon judgment being rendered in favor of said township, the said justice of the peace shall issue execution against the defendant in said action, which may be

Penalty for refusal to comply with notice.

How recovered.

stayed, as in other cases; but when collected, he shall pay the amount thereof, forthwith, to the treasurer of said township, to the credit of the general fund.

Form of declaration.

SEC. 10. The form of the declaration in any suit instituted as aforesaid, may be as follows, to wit: In justice court, before A B, justice of ----- township, county -----, the township of -----, said county, complains of C D, in an action of trespass upon the case, and says that C D justly owes the said township ----- dollars, being the amount of expenses incurred by said township in the removal and destruction of trees infected with the yellows, from (designating the premises with reasonable certainty), and the penalty incurred by said C D for not removing and destroying said trees pursuant to an act entitled "An act to prevent the spread of the yellows, a contagious disease among peach, nectarine, and other trees, and to extirpate the same," wherefore the said township brings suit.

A B, *Supervisor.*

Compensation of commissioners.

SEC. 11. The commissioners shall be allowed for the services under this act two dollars for each full day, and one dollar for each half day, and their other charges and disbursements, hereunder to be audited, as well as any other charges and disbursements under this act, by the township board.

What necessary to prove.

SEC. 12. In all suits and prosecutions under any of the provisions of this act it shall be necessary to prove that such trees or fruit were diseased or infected.

Act repealed.

SEC. 13. The act of local laws of Michigan number three hundred and seventy-nine, for eighteen hundred and seventy-five, is hereby repealed.

SEC. 14. This act shall take immediate effect.

Approved April 4, 1879.

[No. 33.]

AN ACT to amend section fifteen of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three, being section two thousand eight hundred and fifty of the compiled laws of eighteen hundred and seventy-one, as amended by an act approved April sixteenth, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three, being section two thousand eight hundred and fifty of the compiled laws of eighteen hundred and seventy-one, as amended by an act approved April sixteenth, eighteen hundred

and sixty [seventy]-five, be and the same is hereby amended so as to read as follows:

(2850.) SEC. 15. Any corporation organized or existing under the provisions of this act shall have power to acquire and hold real estate in fee, by lease or otherwise, to the following extent, for the purpose of carrying on its business, to wit: Any corporation organized or existing under this act shall be allowed to hold three thousand acres of land; any corporation engaged in lumbering shall be allowed to so acquire and hold one hundred thousand acres of land; no corporation shall hold more land than is permitted by this section unless authorized by some other act of the legislature, and all conveyances of land heretofore made by or to any corporation organized or existing under this act, are hereby confirmed and declared as valid and effectual, to all intents and purposes, as if made under the present provision of this section. When any corporation has heretofore disposed of its property, by sale, or lease, in the usual manner in which corporations perform such acts, and has done the same in good faith and for a fair and valuable consideration, then such sale or lease is hereby declared legal and valid although not done in the manner provided in section two thousand eight hundred and eighty-eight of the compiled laws of eighteen hundred and seventy-one: *Provided*, That nothing herein contained shall be construed to repeal or in any manner effect section thirty-one of act number one hundred and thirteen of the session laws of eighteen hundred and seventy-seven, entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, and to fix the duties and liabilities of such corporations," approved May eleventh, eighteen hundred and seventy-seven.

Corporations may hold real estate.

Limit.

What sales declared legal.

Proviso.

SEC. 2. This act shall take immediate effect.

Approved April 12, 1879.

[No. 34.]

AN ACT to make appropriation for the benefit of the pioneer society of the state of Michigan, for the year eighteen hundred and seventy-nine and the year eighteen hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund for each of the years eighteen hundred and seventy-nine and eighteen hundred and eighty, the sum of five hundred dollars, to be expended from time to time, whenever needed for the purpose by said society, in collecting, embodying, arranging in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other material illustrative of the history of Michigan, to rescue from oblivion the memory of its early pioneers, to obtain and preserve narratives of their exploits, perils, and hardy adventures; to secure facts and statements relative to the history, genius, pro-

Appropriation.

How expended.

gress or decay, of our Indian tribes; to exhibit faithfully the antiquities, and the past and present resources of Michigan, but no part of such annual appropriation shall ever be paid for service rendered by its officers to the society.

How money
drawn.

SEC. 2. The money appropriated by this act may be drawn from the state treasury, from time to time, on the warrant of the auditor general, based on the requisition of the proper officer of the society, subject to the requirements of law in regard to filing vouchers and accounts.

SEC. 3. This act passed both houses by a vote of two-thirds of all the members elect, and ordered to take immediate effect.

Approved April 14, 1879.

[No. 35.]

AN ACT to amend section three of chapter seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section number two hundred and five, in regard to the governor.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section number two hundred and five, in regard to the governor, be amended so as to read as follows:

Governor may
appoint private
secretary.

Additional
assistance.

Compensation.

(205.) SEC. 3. The governor may appoint a private secretary, who shall hold office during his pleasure, and keep a correct record of all executive proceedings and decisions, at a compensation fixed by law. The governor may also employ such additional assistance in the conduct of the business of the executive department as he may deem necessary, provided the compensation therefor shall not exceed eight hundred dollars per annum.

SEC. 2. This act shall take immediate effect.

Approved April 14, 1879.

[No. 36.]

AN ACT making an appropriation for the support of the state public school, for the purchase of additional land, and providing for the construction of buildings, and making other improvements to that institution.

Amount appro-
priated, and for
what purpose.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-six thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the state public school for the year eighteen hundred and seventy-nine, and the further sum of thirty-six thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the state public school for the year eighteen hundred and eighty; that the further sum of fifteen

thousand nine hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for the following named purposes for the state public school: For furniture for main building and cottages, six hundred dollars; for repairs of buildings, steam, and water-works, two thousand dollars; for sidewalks, cement floors, drainage, grading, fencing, and trees, eight hundred dollars; for building kitchen on west side dining-room, and changing present kitchen to employes dining-room, one thousand five hundred dollars; for rear addition [additions] to five old cottages, two thousand five hundred dollars; for children's library, two hundred dollars; for hydrants, pipe connections for the same, hose, steam pump, hay and platform scales, one thousand dollars; for covering steam pipes, eight hundred dollars; for closets and sewerage for the same, five hundred dollars; and for sewerage and the purchase of land, six thousand dollars; and the board of control of the state public school is hereby authorized to purchase for the state such land as said board of control shall select and determine for the use of said institution.

SEC. 2. That the several sums appropriated by the provisions of this act shall be passed to the credit of the state public school, and paid to the board of control of that institution or its treasurer, at such times, and in such amounts and manner as is now provided by law and by this act, and as may be made to appear to the auditor general to be necessary. How paid.

SEC. 3. That one-half of the aggregate sum of the appropriations made by this act, the auditor general shall add to and incorporate with the tax for the year eighteen hundred and seventy-nine, and the other half of the appropriations made by this act the auditor general shall add to and incorporate with the tax for the year eighteen hundred and eighty, which sums, when collected, shall be passed to the credit of the general fund. Auditor general to incorporate in tax.

SEC. 4. This act shall take immediate effect.

Approved April 15, 1879.

[No. 37.]

AN ACT to amend act number one hundred and eighty-eight of the session laws of eighteen hundred and seventy-seven, being an act entitled an act to amend section one of an act to provide for the changing [of] the names of minor adopted children and of other persons, approved February second, eighteen hundred and sixty-one, being compiler's section four thousand eight hundred and fifty-four, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and eighty-eight of the session laws of eighteen hundred and seventy-seven, approved May twenty-second, eighteen hundred and seventy-seven, being an act entitled "An act to amend section one of an act to provide for changing the names Act amended.

of minor adopted children and of other persons," approved February second, eighteen hundred and sixty-one, being compiler's section four thousand eight hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

How name of
adopted minor
children
changed.

(4854.) SECTION 1. That whenever any person shall have adopted any minor child, with the consent of the surviving parent or parents of such child, or in case such child is abandoned by its parents or surviving parent, or in case of orphanage, with the consent of the nearest of kin or guardian of such child, or of the principal officer of a public or incorporated orphan asylum, of which such child may have been an inmate, or of two of the superintendents of the poor, or the directors of the poor, or of any authorized officers or agent of any institution, public or private, in this state or elsewhere, in whose care such orphan child may have been, and if such child be above the age of seven years, then with the consent of such child, and shall desire to change the name of such child and to bestow upon him or her the family name of the person adopting such child, with intent to make such child his or her heir, the said person, together with his or her wife or husband, if any there be, and the surviving parent or next of kin or guardian of such child, or such officer of a public or incorporated orphan asylum, or superintendent or directors of the poor, or any authorized officer or agent of any institution, public or private, in this state or elsewhere, may make under their hands an instrument in writing whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of such person or persons first above referred to, and that he, she, or they intend to make such child his, her or their heir, and stating the full name they desire such child shall bear; and the execution of the said instrument shall be, by the persons so signing the same, acknowledged before any officer authorized by law to take acknowledgments of deeds; and thereupon the same may be presented to and filed with the judge of probate of the county where such person or persons adopting such child reside. Such probate judge, on being satisfied of the good faith of such proceeding, and that the person or persons adopting such child is or are suitable to have charge thereof, shall make an order, to be entered in the journal of the probate court, that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be so designated in said instrument for that purpose; whereupon said child shall be thereafter known and called by said new name, and the said person or persons so adopting such child shall thereupon stand in the place of a parent or parents to such child-in-law, and be liable to all the duties and entitled to all the rights of parents thereto; and such child shall thereupon become an heir-at-law of such persons, the same as if he or she were in fact the child of such person or persons.

Declaration of
person adopting
child.

Where filed.

Order of probate
court.

Effect of order.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 38.]

AN ACT relative to the duties of county clerk, county treasurer, and auditor general.

SECTION 1. *The People of the State of Michigan enact*, That when the board of supervisors shall have apportioned the taxes to be levied in the several townships, wards, or cities of their respective counties, as provided by law, the clerk of said board shall immediately make out two certificates of the amounts apportioned and directed to be assessed upon the property of each township and ward, for state, county, township, fractional school district, and other purposes, one of which he shall deliver to the county treasurer, and the other to the supervisor of the proper township or ward, and the county treasurer shall charge the amount of the state, county, and rejected taxes specified in such certificate to the proper township, ward, or city. The county clerk shall also open and keep an account with the treasurer of his county, and shall charge such treasurer with all moneys which shall come into his hands by virtue of his office, and, for that purpose, it shall be the duty of such treasurer to issue duplicate receipts for all moneys which shall so come into his hands, except moneys received from the state treasurer, and cause said duplicate receipts [receipt] to be countersigned by the clerk at the time of issuing the same by the treasurer, one of which said clerk shall file in his office, and such receipt shall not be valid unless the same be so countersigned. And it is hereby made the duty of the auditor general, immediately after the payment of any money by the state treasurer to the county treasurer for county purposes, to notify the clerk of such county of the amount so paid. And on settlement with the county treasurer by the board of supervisors, the county clerk shall credit such treasurer with the amounts of all warrants, orders, receipts, or other vouchers given by the proper authorities, presented by such treasurer and accepted in such settlement; the county treasurer shall also open and keep a separate account with each of the several funds belonging to his county, and shall credit each of said funds with such amounts as properly belong to them, and shall charge them with all warrants, orders, and receipts given by the proper authorities, and payable from such funds respectively: *Provided*, Nothing herein contained shall apply to the county of Wayne.

Duty of clerk when taxes are apportioned.

To keep an account with county treasurer.

Duty of auditor general when money paid to county treasurer.

Treasurer to account with separate funds.

Provide as to Wayne county.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 39.]

AN ACT to amend section one, eighteen, twenty-three, and twenty-four, of act number two hundred and thirty-three of the session laws of eighteen hundred and seventy-five, being "An act to reenact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the form-

ation of corporations to construct canals, or harbors, and improve the same, by adding two new sections thereto, and by restricting its operation to the Upper Peninsula," so the provisions of said act shall apply to the county of Branch.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, eighteen, twenty-three, and twenty-four of act number two hundred and thirty-three of the session laws of eighteen hundred and seventy-five, being "An act to reenact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the formation of corporations to construct canals, or harbors, and improve the same, by adding two new sections thereto, and by restricting its operation to the Upper Peninsula," be and the same is hereby amended so as to read as follows:

How corporation formed.

SECTION 1. Any number of persons, not less than three, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving the navigation of any river or stream in the Upper Peninsula and Branch county, by dredging out the channel, making a new entrance, and constructing canals to straighten the same, or by any of said methods, by complying with the following requirements. Notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement. If there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or, if none, then it shall be printed in some newspaper in the city of Detroit, and in the latter case notices shall also be posted in three of the most public places in the township, city, or village where said meeting is to be held, during the same time; and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent paid thereon, then the said subscribers upon due and proper notice signed by any two of said subscribers, may elect directors for the said corporation, and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof as near as may be.

Notice.

Directors, when elected.

Articles of association.

Corporations already formed may organize under this act.

SEC. 18. Any person, or private associations or corporations in the Upper Peninsula and Branch county, who have, previous to the passage of this reenacted and amended act, constructed any canal or harbor, or have improved the navigation of any river or stream in the state of Michigan within the meaning of section one of this act, when the amount of money actually expended by them in the construction of any such canal or improvement exceeds the sum of ten thousand dollars, may organize under this act, and like notice

shall be given as required by section one of this act: *Provided*, Proviso.
That such persons, associations, or corporations shall have the
preference in the subscription to the stock of such company, to the
amount so expended by them.

SEC. 23. The corporations heretofore formed under said chapter Reinstatement of
corporations
heretofore
formed.
eighty-four in the Upper Peninsula and in Branch county are
hereby reinstated in all their rights, privileges, franchises, and
property.

SEC. 24. Corporations may be formed under this act in the Corporations
may be formed
for improving
canal, etc., of
company formed
under act hereby
reinstated.
Upper Peninsula and Branch county for the purpose of operating
and further improving any canal or improvement in the Upper Pen-
insula and Branch county, of any corporation formed under the
act hereby reinstated, and may purchase the canal or other im-
provements, lands, or other property of such corporation.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 40.]

AN ACT to provide for the restoration of certain state lands to
market.

SECTION 1. *The People of the State of Michigan enact*, That Taxes on re-
served land to be
paid before issue
of patent.
all lawful taxes, together with the interest and charges thereon,
assessed on any state land now or hereafter reserved on account of
any road or ditch contract, shall be paid before the issue of any
patent thereon; and in default of such payment, such lands shall
revert to the state at the expiration of three months from the date
when such patent shall have become due. The commissioner of the Commissioner to
restore lands to
market.
state land office shall restore such lands to market in the manner
now provided by law, and at the minimum price at which such
lands were reserved, with such taxes, interest and charges added
thereto.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 41.]

AN ACT to amend section eight of chapter one hundred and
eighty-nine of the compiled laws of eighteen hundred and
seventy-one, relative to "the return and summoning of jurors,"
the same being compiler's section five thousand nine hundred
and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That Section
amended.
section eight of chapter one hundred and eighty-nine of compiled
laws of eighteen hundred and seventy-one, being compiler's section
five thousand nine hundred and seventy-seven, be amended so as to
read as follows:

Jury list, when made.

(5977.) SEC. 8. The assessors and township clerk of each township, and the assessors and alderman of each ward in any city shall at the time appointed by law for said assessors to review their assessment roll in each year, make a list of persons to serve as petit jurors and a list of persons to serve as grand jurors for the ensuing year.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 42.]

AN ACT to amend section sixty of chapter one hundred and forty-four, being compiler's section three thousand eight hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, relative to trespasses on public lands.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty of chapter one hundred and forty-four, being compiler's section three thousand eight hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

How trespass on State lands adjusted.

(3875.) SEC. 60. The commissioner of the state land office, by and with the advice and consent of the governor, is hereby authorized to adjust and settle cases of trespass or other injury upon or to any of the lands owned or held in trust or otherwise by this state, and to receive all moneys paid in satisfaction of such trespass or injury, and shall in all cases charge and collect the amount of expense incurred in the examination and adjustment thereof. The commissioner of the state land office shall pay over all moneys so received to the state treasurer for the benefit of the fund to which the same may properly belong, and shall keep a complete and itemized record in his office of all adjustments and settlements made under the provisions of this act.

Commissioner to pay over money and keep record of adjustment.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1879.

[No. 43.]

AN ACT to amend section one of an act entitled an act to authorize the formation of county and town agricultural societies, approved February twelfth, eighteen hundred and fifty-five, being compiler's section number two thousand one hundred and sixty-eight of the compiled laws of eighteen hundred and seventy-one, and to add a new section thereto, to be numbered and stand as section ten of said act.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize the formation of county and town agricultural societies," approved February

twelfth, eighteen hundred and fifty-five, being compiler's section number two thousand one hundred and sixty-eight of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

(2168.) SECTION 1. Any ten or more persons, inhabitants of this state who shall desire to form a town, county, or district agricultural or horticultural society in any county, town, city, or village, or in any two or more towns or counties, being contiguous, in this state, may make, sign, and acknowledge duplicate articles of association, before any officer authorized to take acknowledgments of deeds in this state, and file one of the same in the office of the secretary of the state agricultural society, and the other in the office of the county clerk of the county in which the business of the society is to be conducted; in which articles shall be stated the name by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers, who shall manage the same; and the names of such directors, trustees or managers thereof for the first year of its existence.

How societies may be organized.

Articles of association.

SEC. 2. A new section shall be added to said act to be numbered and stand as section ten and read as follows:

Section added.

SEC. 10. It shall be lawful for any society organized under this act, upon a vote of two-thirds of the members present at any annual meeting, to alter or amend its articles of association in any manner not inconsistent with the provisions of this act: *Provided*, That notice of the intended alteration or amendment shall have been given at the previous annual meeting of the society; and it shall be the duty of the secretary of any such society, in giving notice of any annual meeting, to specify the alterations or amendments to be brought before it. The alterations or amendments so made, shall be duly certified by the president and secretary of the society, and filed with the county clerk of the county in which the business of the society is conducted, and also in the office of the secretary of the state agricultural society, whereupon said alterations or amendments shall have the same force and effect as original articles of association.

How articles of association may be amended.

Proviso—notice of intended amendment.

Amendment, by whom certified and where filed.

SEC. 3. This act shall take immediate effect.

Approved April 19, 1879.

[No. 44.]

AN ACT to amend section fifty-four of chapter one hundred and thirty-six, of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand six hundred and twenty-four, as amended by act number sixty-three of the session laws of eighteen hundred and seventy-two; also, to amend sections seventy-nine and one hundred and twelve of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's sections three thousand six

hundred and forty-eight and three thousand six hundred and seventy-two, relating to primary schools.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-four of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand six hundred and twenty-four, as amended by act number sixty-three of the session laws of eighteen hundred and seventy-two, and sections seventy-nine and one hundred and twelve of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's sections three thousand six hundred and forty-eight and three thousand six hundred and seventy-two, relating to primary schools, are hereby amended so as to read as follows:

Director to make
report to town-
ship clerk.

SEC. 51. The director shall also, at the end of the school year, and previous to the second Monday in September in each year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

Contents of
report.

First, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Second, The number attending school during the year under five, and also the number over twenty years of age;

Third, The number of non-resident pupils of the district that have attended school during the year;

Fourth, The whole number that have attended school during the year;

Fifth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

Sixth, The average length of time scholars, between five and twenty years of age, have attended school during the year;

Seventh, The amount of money received from the township treasurer apportioned to the district by the township clerk;

Eighth, The amount of money raised by the district, and the purposes for which it was raised;

Ninth, The kind of books used in school;

Tenth, Such other facts and statistics, in regard to schools and the subject of education as the superintendent of public instruction shall direct.

Triplicate
reports by in-
spectors.

SEC. 79. On the second [third] Monday in September in each year, the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the superintendent of public instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall within ten days thereafter forward two copies of the same to the county clerk, and file the other copy in his office.

How disposed of.

SEC. 112. The clerk of each county shall, immediately after

receiving the annual reports of the several boards of school inspectors, examine into the correctness of such reports, and shall, when necessary, require the same to be amended; he shall then indorse his approval upon them, and shall immediately, and before the first day of November in each year, transmit to the superintendent of public instruction one copy of the duplicate reports of each of said several boards, and the other copy he shall file in his office. And on receiving notice from the superintendent of public instruction of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

County clerk to transmit report to superintendent.

Notice of school moneys apportioned.

SEC. 2. This act shall take immediate effect.

Approved April 21, 1879.

[No. 45.]

AN ACT to amend section one of article three of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section one of article three of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, be amended so as to read as follows:

Section amended.

ARTICLE III.

SECTION 1. The commissioner of railroads shall, on or before the fifteenth day of May, eighteen hundred and seventy-nine, and on or before the fifteenth day of May in each year thereafter, make and file with the auditor general a computation of the amount of tax which will become due on the first of July, from each railroad company liable to pay taxes under the provisions of section three of this article, which computation shall be based upon the report of such railroad company for the preceding year, required to be made to the commissioner of railroads; and in case any of said railroad companies shall fail to make such report to the commissioner of railroads, as provided by law, then the provisions of section two of this article shall apply as fully as though such report was required to be made direct to the auditor general.

Commissioner to file with auditor general computation of tax to become due.

On what computation based.

When companies fail to make report.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1879.

[No. 46.]

AN ACT to amend section fifty-nine of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand six hundred and twenty-nine, as amended by act number sixty-three of the laws of eighteen hundred and seventy-two, relating to primary schools.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-nine of chapter one hundred and thirty-six, of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand six hundred and twenty-nine, as amended by act number sixty-three of the laws of eighteen hundred and seventy-two, relating to primary schools, be and hereby is amended to read as follows:

Board to purchase or lease site for school-house, etc.

(3629.) SEC. 59. They shall purchase or lease a site for a school-house, as shall have been designated by the district in the corporate name thereof, and shall build, hire, or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters at an annual or special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also, that they shall not in any case build a frame school-house on any site for which they have not a title in fee or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district at any annual or special meeting: *Provided also*, That the qualified voters of the district may appoint a building committee to perform such duties in supervising the work of building such school-house as the district by vote may direct.

Proviso as to building committee.

SEC. 2. This act shall take immediate effect.

Approved April 28, 1879.

[No. 47.]

AN ACT to amend section one hundred and nine, as amended by act number seventy-five of the session laws of eighteen hundred and seventy-three, approved April fourth, eighteen hundred and seventy-three, and sections one hundred and ten and one hundred and eleven of chapter ten of the compiled laws of eighteen hundred and seventy-one, being compiler's sections five hundred and ninety-nine, six hundred, and six hundred and one, relative to notaries public.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and nine, as amended by act number seventy-five of the session laws of eighteen hundred and seventy-three, approved April fourth, eighteen hundred and seventy-three, and sections one hundred and ten and one hundred and eleven of

chapter two of the compiled laws of eighteen hundred and seventy-one, being compiler's sections five hundred and ninety-nine, six hundred, and six hundred and one, be and the same are hereby amended so as to read as follows:

(599.) SEC. 109. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice from the county clerk of his appointment, take and file with the county clerk the oath prescribed by the constitution, and pay into the hands of the clerk one dollar, as a fee to the state; and the said clerk shall file the oath thus taken in his office, and on the first day of January, April, July, and October, in each year, he shall transmit to the state treasurer, to be placed to the credit of the general fund, the amount by him received during each preceding quarter for notary commissions by him delivered, and shall at the same time transmit to the state treasurer and to the secretary of state a written list, containing the names of all persons to whom, during each preceding quarter, he has delivered commissions, the date of filing their oaths and bonds, and their respective postoffice addresses, with his certificate that such persons have fully complied with the provisions of law in regard to their qualifications [qualification] for the discharge of the duties of the office of notary public; and said clerk shall, further, at the same time transmit to the secretary of state all commissions that have remained in his office uncalled for, for the period of thirty days after giving the notice required in the preceding section; and said clerk, for all his services required by this act, shall be entitled to receive the sum of seventy-five cents from each person so qualifying: *Provided*, Whenever the county clerk of any county shall be appointed to the office of notary public, the oath of office required of him by the constitution shall be filed with the judge of probate of such county.

Oath of office and
fee to state.

Quarterly
returns to state
treasurer and
secretary of state.

Commission
returned.

Proviso.

(600.) SEC. 110. Each notary public shall, also, before entering upon the duties of his office, and within the time limited for filing his official oath, give bond to the people of this state, with one or more sureties, to be approved by the county clerk, in the penal sum of one thousand dollars, the condition of which bond shall be that such notary shall duly and faithfully discharge the duties of his office, and he shall file the same with said clerk: *Provided*, Whenever the county clerk of any county shall be appointed to the office of notary public, the bond required by this section shall be approved by, and filed with the judge of probate of such county.

Notary to give
bond.

Proviso.

(601.) SEC. 111. Upon the filing of the official oath and bond, as required in the two next preceding sections, the clerk shall deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the secretary of state of the filing of such oath and bond, and of the time of filing the same: *Provided*, That where such oath and bond shall have been filed with the judge of probate, as provided in the two next preceding sections, he shall give the same notice thereof to the secretary of state as is required in this section to be given by the county clerk.

Clerk to deliver
commission on
filing oath and
bond.

Proviso.

SEC. 2. This act shall take immediate effect.

Approved April 28, 1879.

[No. 48.]

AN ACT to amend section thirty-five of chapter two hundred and thirty-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand four hundred and twenty, relative to the taxation of costs.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-five of chapter two hundred and thirty-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand four hundred and twenty, be and the same is hereby amended so as to read as follows:

How costs taxed
in courts of
record.

(7420.) SEC. 35. Costs in the several circuit courts, and in municipal courts of record having civil jurisdiction, may be taxed by any officer authorized to tax costs in the supreme court, by circuit court commissioners, or the clerks of the said circuit and municipal courts respectively, and upon the like notice as shall be required in the supreme court.

SEC. 2. This act shall take immediate effect.

Approved April 28, 1879.

[No. 49.]

AN ACT transferring certain unexpended moneys of the appropriation of the year eighteen hundred and seventy-seven for improvements at the State Prison at Jackson.

Amount trans-
ferred.

SECTION 1. *The People of the State of Michigan enact*, That five thousand dollars of the moneys appropriated under act one hundred and sixty-six, of the session laws of eighteen hundred and seventy-seven, for the purpose of building extension of prison walls at Jackson, and which is still unexpended, be and the same is hereby transferred to and made available for the purpose of building an addition to the shop used for the manufacture of agricultural implements.

How money
drawn.

SEC. 2. The above amount may be drawn from the state treasury and be accounted for in the manner provided by law, under the direction of the inspectors of said prison.

SEC. 3. This act shall take immediate effect.

Approved April 28, 1879.

[No. 50.]

AN ACT to amend sections one and two of act number ninety-one of the session laws of eighteen hundred and seventy-three, approved April fifteenth, eighteen hundred and seventy-three, being an act relative to the transfer of insane soldiers and marines from the soldier's home, at Detroit, or any county jail, or from elsewhere within this state, to the insane asylum at Kalamazoo.

SECTION 1. *The People of the State of Michigan enact*, That

sections one and two of act number ninety-one, session laws of eighteen hundred and seventy-three, be amended so as to read as follows:

SECTION 1. All the insane inmates of the soldier's home at Detroit, or of any county jail of this State, who have been soldiers or marines of the United States to the credit of the state of Michigan, and who have not been convicted of any crime, and all such soldiers or marines within this State who are or may hereafter become insane may, by the order of the State military board, be transferred, under the same rules and regulations as govern county patients, to the insane asylum at Kalamazoo, and there be provided for at the expense of the state.

Sections amended.
Transfer of insane soldiers, etc., to Kalamazoo asylum.

SEC. 2. The bills for the maintenance of such insane persons shall be rendered quarterly to the auditor general, at the same time and in the same manner as bills are rendered to county treasurers, and shall be paid to the treasurer of the insane asylum at Kalamazoo by the state treasurer, on the warrant of the auditor general, out of any moneys belonging to the general fund.

Bills for maintenance, how audited and paid.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1879.

[No. 51.]

AN ACT to amend sections two and six of an act entitled "An act to provide for the examination of certain forfeited and part-paid agricultural college, salt spring, and other lands," approved April twenty-second, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That sections two and six of an act entitled "An act to provide for the examination of certain forfeited and part-paid agricultural college, salt spring, and other lands," be amended so as to read as follows:

Sections amended.

SEC. 2. The lands which may be examined under this act are any of the lands owned, or held in trust, or otherwise by this state.

Lands to be examined.

SEC. 6. Said agents shall receive as compensation for their services such sum or sums as the board of state auditors shall determine and allow, including necessary expenses, which bills for services and expenses shall be itemized and sworn to and made upon forms furnished by the commissioner of the land office, the same to be paid out of the general fund, and apportioned to the several funds, according to the expenses attending the examination of lands belonging to the different classes herein mentioned, and the commissioner of the state land office may, in his discretion require said agents to give a good and sufficient bond for the faithful discharge of their duties, and file the constitutional oath of office; and any agent appointed under this act who shall give to any person any information in regard to the value of lands examined, or timber

Compensation of agents.

Commissioner may require bonds.

Penalty for giving information before reporting.

thereon before reporting the same to the commissioner of the state land office, shall be deemed guilty of a misdemeanor.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1879.

[No. 52.]

AN ACT to amend sections eight and nine of act number one hundred and seventy of the session laws of eighteen hundred and seventy-seven, entitled "An act to provide for the publication and distribution of the laws and documents of this state, and to repeal compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three of the compiled laws of eighteen hundred and seventy-one," and the act entitled "An act to provide for the publication and distribution of the laws and documents of this state," approved April twenty-five, eighteen hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eight and nine of act number one hundred and seventy of the sessions [session] laws of eighteen hundred and seventy-seven, entitled "An act to provide for the publication and distribution of the laws and documents of this state, and to repeal compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three of the compiled laws of eighteen hundred and seventy-one," and the act entitled "An act to provide for the publication and distribution of the laws and documents of this state," approved April twenty-fifth, eighteen hundred and seventy-three, be amended so as to read as follows:

Report of secretary of state board of agriculture.

SEC. 8. That the secretary of the state board of agriculture shall report to the legislature at every regular session thereof, and to the governor on the first Wednesday of January of each year when the legislature is not in session, which report shall embrace all statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the state board of agriculture, of the state agricultural college and farm, of the state agricultural society, and of the county and district agricultural societies, to be approved by the board; that eight thousand copies of this report shall be printed and bound annually, prior to the first day of June, and shall be immediately placed at the disposal of the state board of agriculture: four thousand copies to be distributed by the secretary of said state board of agriculture as the board shall direct, and the remaining four thousand copies to be distributed prior to the first day of September after publication by

Number of copies to be published.

the secretary of the board, to the secretaries of the various district and county societies as equally as may be, according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of said report to each of said committees as shall be present and discharge the duties of the office on the day of the county and district fairs; and in addition to the foregoing there shall be published a number of copies of said report equal to the number of reports bound as joint documents, which shall be disposed of in the same manner as the joint documents.

How distributed.

Additional copies.

SEC. 9. That the secretary of the state pomological society shall make a report annually, similar in character to that of the secretary of the state board of agriculture, but covering the question of fruit culture, and the preservation and improvement of fruit exclusively; said report to be printed and bound in equal numbers and in like manner as the report of the secretary of the state board of agriculture. Six thousand copies to be placed at the disposal of the state pomological society, which shall be distributed in like manner as the report of the secretary of the state board of agriculture, giving preference to pomological societies or associations and fruit growers, wherever such may exist within the state, and the remaining copies to be disposed [of] in the same manner as the joint documents.

Pomological report, publication and distribution of.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1879.

[No. 53.]

AN ACT to amend section seventeen of an act entitled "An act to provide for the incorporation of slack-water navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan, and define their powers and duties," approved March twenty-fifth, eighteen hundred and sixty-seven, and to add thereto two new sections to stand as sections twenty-two and twenty-three of said act, and to repeal act number one hundred and ten of the session laws of eighteen hundred and seventy-one, approved April thirteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section seventeen of an act entitled "An act to provide for the incorporation of slack-water navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan, and define their powers and duties," approved March twenty-fifth, eighteen hundred and sixty seven, be amended so as to read as follows:

Section amended.

SEC. 17. Said river or rivers, when so improved, and the lock or locks constructed by such company, shall be deemed and taken to be public highways, and free to all persons whosoever, to pass and re-pass with their boats and other water craft, and with their pro-

Rivers improved to be public highways.

- duce, goods and chattels, wares and merchandise, such persons conforming to such rules and regulations as may be established by the company for the navigation of such river, and paying such tolls as required by such company: *Provided, however,* That the rates to be charged by any such company shall not exceed the following schedule for a single passage through any such lock, to wit:
- Schedule of tolls** *First,* For boats less than thirty feet in length, locked separately, exclusive of tolls charged on their cargoes, each fifty cents; *Second,* For two or more boats passed at one lockage, exclusive of tolls charged on their cargoes, each fifty cents; *Third,* For steamboats, tugs, lighters and other boats or vessels over thirty feet in length, locked separately, exclusive of tolls charged on their cargoes, each one dollar; *Fourth,* For two or more cribs of hewn or round timber, passed at one lockage, each thirty-seven and one-half cents; *Fifth,* For cribs of hewn or round timber, locked separately, each seventy-five cents; *Sixth,* For stave-bolts, shingle-bolts, cedar posts, tan-bark and cord-wood, however carried, per cord, ten cents; *Seventh,* For lumber and sawed timber per thousand feet, board measure, when carried by boats, lighters, or floats, fifteen cents; *Eighth,* For lumber and sawed timber per thousand feet, board measure, when carried in rafts, ten cents; *Ninth,* For shingles and lath, however carried, per thousand, three cents; *Tenth,* For stone, per cord, twenty-five cents; *Eleventh,* For brick, per thousand, ten cents; *Twelfth,* For merchandise and all articles not named in either of the foregoing specifications, per ton weight, twenty cents:
- When tolls to be refunded.** *Provided,* That whenever it shall appear by the sworn statement of any such company, as hereinafter provided for, the total amount of tolls collected for the use of any such improvement, after the payment of all repairs and expenses of operating any such improvement, and the proper business of any such company shall exceed, for each lock constructed by any such company, the sum of two thousand dollars per annum from the time of its construction and actual use by the public, such excess shall be refunded to the persons having paid such tolls, pro rata, in proportion to the amount so paid by them, such excess being payable on demand at the office of such company: *Provided, also,* That of the two thousand dollars per annum above provided for, if there be so much, a sum equal to fifteen hundred dollars per annum thereof, if there be so much, shall go to such company for the use of the company, and the balance, if any, shall be set apart by such company as a sinking fund for the rebuilding said locks and making new improvements.
- Proviso.**
- Sections added.** SEC. 2. That two sections be added to said act, to stand as sections twenty-two and twenty-three, and to read as follows:
- Company to maintain shutes for logs, etc., in dams.** SEC. 22. It shall be the duty of any company organized under this act, and owning or maintaining a dam across any river, to erect, except in cases where it already exists, and maintain a proper

shute or slide in such dam for the convenient passage of any and all such floating logs, timber, posts, or poles, as shall be run separate and loose in the river; and no tolls shall be charged therefor: *Provided*, It shall not be incumbent upon such company to keep such shute or slide open except when required for use for such purposes. Proviso.

SEC. 23. It shall be the duty of each and every company organized under the provisions of this act, on or before the first day of February in each year, through its proper officers, to place on file, in the office of the clerk of the county within which the improvement made by any such company shall be, a sworn statement in detail of the receipts for the use of such improvement, and the disbursements for expenses and repairs of the same during the preceding calendar year. Statement of receipts, etc., to be filed with county clerk.

SEC. 3. Act number one hundred and ten of the session laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to provide for the incorporation of slack-water navigation companies for the improvement of rivers in the counties of St. Joseph, Cass, Berrien and Cheboygan, and define their powers and duties,' approved March twenty-fifth, eighteen hundred and sixty-seven," approved April thirteenth, eighteen hundred and seventy-one, is hereby repealed. Acts repealed.

SEC. 4. This act shall take immediate effect.
Approved April 29, 1879.

[No. 54.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to lay out, open, and construct a drain or water-course in township one south of range five west, commencing on the east line of section twenty-four, in said township, thence west or in a westerly direction, across sections twenty-four, twenty-three, twenty-two, twenty-one, and twenty, to Mud Lake, and to clear out, open, and deepen Indian Creek from Mud Lake to the west line of section eighteen, in said township.

SECTION 1. *The People of the State of Michigan enact*, That the state board of control of state swamp lands be, and the said board is hereby authorized to appropriate as many acres of state swamp lands in the Lower Peninsula, not exceeding ten thousand acres, as said board may deem proper, after a full investigation of the merits, to lay out, open, and construct a drain or water-course in township one south, of range five west, commencing on the east line of section twenty-four in said township, thence west, or in a westerly direction, across sections twenty-four, twenty-three, twenty-two, twenty-one, and twenty, to Mud Lake, and to clear out, open, and deepen Indian Creek from Mud Lake to the west line of section eighteen in said township: *Provided*, That such drain or water-course shall be laid out, opened, and constructed in Board authorized to appropriate land. Proviso—construction of drain.

pursuance of the provisions of law in relation to the construction of swamp land state roads and drains: *Provided, further.* That said drain or water-course from the east line of said section twenty-four to Mud Lake, shall be not less than twelve feet wide on the surface, and not less than four feet deep, and as much wider and deeper, and as wide on the bottom, as said board shall deem requisite for drainage purposes: *And provided further,* That said swamp land shall be located in Calhoun county, so far as Calhoun county swamp lands will go, before such lands can be located elsewhere.

SEC. 2. This act shall take immediate effect.

Approved April 30, 1879.

[No. 55.]

AN ACT to authorize and empower the board of control of state swamp land to make an appropriation of state swamp land for the construction of the Alpena and Montmorency state road.

Land appropriated.

SECTION 1. *The People of the State of Michigan enact,* That to build and construct a state road, beginning at the southeast corner of section twenty, in town thirty-one north of range eight east, thence west to the northwest corner of section nineteen in town thirty-one north of range five east, and for the purpose of drainage and reclamation, the board of control of the state of Michigan are hereby authorized to appropriate not to exceed two sections of state swamp land per mile in constructing said road hereinbefore described, such land to be selected from any vacant swamp lands within the counties of Alpena, Montmorency, and Presque Isle, and said appropriation to be expended under the direction of said board of control.

Where land to be selected.

SEC. 2. This act shall take immediate effect.

Approved April 30, 1879.

[No. 56.]

AN ACT to provide for the erection of a fire-proof building for the museum at the University of Michigan.

Amount appropriated.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the state treasury, the sum of forty thousand dollars, for the purpose of erecting a fire-proof building for the museum at the university of Michigan; one-half of the said amount shall be paid in the year one thousand eight hundred and seventy-nine, and one-half in the year one thousand eight hundred and eighty.

When to be paid.

When to be assessed.

SEC. 2. There shall be assessed upon the taxable property of the state in the year one thousand eight hundred and seventy-nine, the sum of twenty thousand dollars, and in the year one thousand eight hundred and eighty, the sum of twenty thousand dollars, to be

assessed and levied in like manner as other state taxes are by law levied, assessed, and paid, which tax when collected shall be credited to the general fund, to reimburse to the same the sum to be drawn therefrom as provided in this act, and any sums drawn from the treasury under the provisions of this act, before the taxes herein authorized are collected, shall be returned when such taxes are collected.

SEC. 3. This act shall take immediate effect.

Received in the Executive Office April 30, 1879.*

[No. 57.]

AN ACT to amend an act entitled "An act to appoint a crier of the supreme court," approved February twenty-sixth, eighteen hundred and sixty-one, being compiler's section four thousand nine hundred and thirty-three of the compiled laws of eighteen hundred and seventy-one, chapter one hundred and seventy-four relative to a crier of the supreme court, so as to define the duties and compensation thereof.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section four thousand nine hundred and thirty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

SEC. 4933. The supreme court may from time to time appoint Appointment of crier.
some fit and proper person to act as crier to said court who shall hold his office during the pleasure of the court. The said crier Compensation.
so appointed shall receive such compensation as shall from time to time be fixed by the supreme court, not to exceed two dollars per day for each day while in actual attendance, to be paid by the state treasurer quarterly upon the certificate of the chief justice out of any moneys not otherwise appropriated. Said crier shall have Duties.
charge of the rooms assigned to the justices of said supreme court in the capitol, and shall perform such other duties and labor as shall be from time to time directed by said supreme court.

SEC. 2. This act shall take immediate effect.

Approved May 1, 1879.

[No. 58.]

AN ACT making an appropriation for completing and furnishing the normal school buildings, and for improving the grounds.

SECTION 1. *The People of the State of Michigan enact, That* Amount appropriated.
there shall be and is hereby appropriated out of the state treasury, the sum of thirteen thousand three hundred and seventy-three dollars, for the year eighteen hundred and seventy-nine for the

*Became a law under section 14, article IV., of the Constitution, without the approval of the governor.

Purpose of appropriation.	purpose of completing the astronomical and meteorological tower of the new normal school building, and also for the purpose of erecting hoods over the north and the south entrances of the main building, and for providing steam-heating apparatus for the rear part of the old building and for the school-of-practice building, and also for the purpose of grading the grounds, building walks, and for digging one well, and for furniture for the buildings, and cases for the library and museum rooms, and also for painting and repairing the school-of-practice building and laying basement floors, and for the necessary fees for making plans and specifications and superintending the above named work; which said sum shall be expended under the direction of the state board of education for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board of education to the auditor general, and on his warrant to the state-treasurer.
How expended.	
How assessed.	SEC. 2. There shall be assessed upon the taxable property of the state, in the year eighteen hundred and seventy-nine, the sum of thirteen thousand three hundred and seventy-three dollars, assessed and levied in like manner as other state taxes are by law levied, assessed and paid, which tax, when collected, shall be credited up to the general fund to reimburse the same, the same to be drawn therefrom as provided in section one of this act.
	SEC. 3. This act shall take immediate effect.
	Approved May 3, 1879.

[No. 59.]

AN ACT to amend an act entitled "An act to provide for the collection of tolls, and for the care, charge and operating of the Saint Mary's Canal," approved February twelve, eighteen hundred and fifty-five, and acts amendatory thereto, being section four thousand and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighteen of the session laws of eighteen hundred and seventy-seven.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That an act entitled "An act to provide for the collection, care, charge and operating of Saint Mary's Canal," approved February twelve, eighteen hundred and fifty-five, and act [acts] amendatory thereto, being section four thousand and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighteen of the session laws of eighteen [hundred and] seventy-seven, be and the same is hereby amended so as to read as follows:
Board of control to make rules.	(4047.) SEC. 4. It shall be the duty of said board of control to make, from time to time, such rules and regulations as they may deem necessary for the benefit and usefulness of said canal, and all such rules and regulations shall be binding on said superintendent-

ent and collector; and if at any time the tolls of said canal, paid into the said canal fund as aforesaid, shall not be sufficient for any necessary or extraordinary repairs of said canal, the said state treasurer is authorized and empowered to pay or advance such sum or sums of money from any money in the treasury of this State, not otherwise appropriated, as shall be ordered by said board of control for said repairs, not exceeding ten thousand dollars in any one year; the said sum or sums of money so paid or advanced, to be reimbursed to said state treasurer with lawful interest on the same from said canal fund. The members of the said board of control shall each receive as compensation for necessary services in going to and from, and inspecting said canal, the sum of three dollars per day and mileage at the rate of five cents per mile; such compensation to be paid by the state treasurer from the canal fund. And copies of all records of said board of control, and of all entries, documents and papers made or filed with said board of control and certified by the secretary of said board to be a true transcript of the said record, document or paper, and of the whole thereof compared by him with the original, shall be evidence of such proceedings and records, and of such documents, files and papers, in all courts and proceedings, in like manner, and as fully as the original records, files, documents and papers would, if produced.

When tolls not sufficient for repairs state treasurer to advance money.

Limit of amount to be advanced.

Compensation of board.

Copies of records to be evidence.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1879.

[No. 60.]

AN ACT making an appropriation for improving the grounds of the new state capitol, and for the proper care and protection thereof.

SECTION 1. *The People of the State of Michigan enact*, That the sum of six thousand dollars, for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, is hereby appropriated, out of the general fund in the State treasury, for the purpose of preparing and keeping in order the grass plots, and furnishing shrubbery and otherwise improving the grounds of the new state capitol, and for the purchase of fountains, lawn sprinklers and settees for the grounds of the state capitol, and for making suitable stone walks within said grounds.

Amount appropriated.

For what purpose.

SEC. 2. The several amounts appropriated by section one of this act, or so much thereof as may be necessary, shall be expended under the direction of the board of state auditors, who are hereby authorized and empowered to employ such persons and to let such contracts as may, in their judgment, be required to carry out the provisions of this act, and to audit and allow all claims against the state arising thereby.

How expended.

SEC. 3. The auditor general is hereby empowered and directed to add to and incorporate with the state tax of the amount appropriated

To be incorporated in state tax.

in section one of this act, four thousand five hundred dollars in the year eighteen hundred and seventy-nine, and the remainder in the year eighteen hundred and eighty.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1879.

[No. 61.]

AN ACT to amend section one of an act entitled "An act to provide for the payment of the salaries of the state officers," approved April seventeenth, eighteen hundred and seventy-one, being section four hundred and twenty of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-five, approved April thirtieth, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact.* That section one of an act entitled "An act to provide for the payment of the salaries of state officers," approved April seventeenth, eighteen hundred and seventy-one, being section four hundred and twenty of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-five, approved April thirtieth, eighteen hundred and seventy-five, be and is hereby amended to read as follows:

Appropriation.

Salaries.

Governor.

Justices supreme court.
Judges, etc.

State officers.

Deputies.

Governor's private secretary.
Book-keepers.

SECTION 1. That there be and the same is hereby appropriated, out of any moneys in the treasury to the credit of the general fund not otherwise appropriated, the following sums, for the salaries of the state officers for the year eighteen hundred and seventy-nine and each year thereafter: For the governor, one thousand dollars; for the salaries of the justices of the supreme court, four thousand dollars each; for the salaries of the judges of the circuit courts and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salaries of the auditor general, state treasurer, secretary of the board of agriculture and superintendent of public instruction, one thousand dollars each; for the salaries of the commissioner of the state land office, the secretary of state and attorney general, eight hundred dollars each; for the salary of the state librarian, one thousand dollars; for the salaries of the deputy state treasurer and the deputy auditor general, fifteen hundred dollars each; for the salaries of the deputy secretary of state and the deputy commissioner of the state land office, fourteen hundred dollars each; for the salary of the deputy superintendent of public instruction, thirteen hundred dollars; for the salary of the private secretary of the governor, a sum not exceeding one thousand dollars; for the salary of the book-keeper and draughtsman of the land office, one thousand dollars; for the salaries of the book-keeper of the land office, the book-keeper of the state treasurer's office and the book-keeper of the auditor general's office,

one thousand dollars each; for the salary of the clerk of the attorney general, one thousand dollars: *Provided*, That if said attorney general shall find it necessary to employ more than one clerk, a sum not exceeding five hundred [dollars] additional is appropriated, said fifteen hundred dollars to be used for clerk's salaries at his discretion; for the salaries of the four regular clerks of the auditor general and one regular clerk of the secretary of state, and one regular clerk of the commissioner of the state land office, one thousand dollars each; for the salaries of all other clerks of the auditor general, a sum not exceeding one thousand dollars each; for the salaries of such additional clerks in the state land office, state treasurer's office, office of the secretary of state, of the state board of health, and office of the superintendent of public instruction, as may be necessary, not exceeding at the rate of one thousand dollars each per annum, for the time employed.

Clerk of attorney
general.
Proviso.

Clerks.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1879.

[No. 62.]

AN ACT to amend section eight of and to add a new section to stand as section twenty-three of act number seventy-nine of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation," approved April tenth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section eight of act number seventy-nine of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation," approved April tenth, eighteen hundred and seventy-three, be amended and a new section added thereto to stand as section twenty-three to read as follows:

Section
amended.

SEC. 8. The said commissioner may make and propound to such railroad corporations any other or additional interrogatories relating to the management of such corporations and the condition of their respective railroads and rolling stock as in his judgment may be necessary, in order to gain full information in regard thereto; and in case a uniform system of returns and reports shall be agreed upon by the railroad commissioners of this and other states through which continuous lines of railroad are operated, he is hereby authorized to adopt such system in lieu of the interrogatories in the preceding section: *Provided*, That such system shall furnish substantially the information called for by said section. Such interrogatories shall be answered by the several railroad corporations, as fully as though specifically set forth in this act.

Additional
interrogatories.

Proviso.

SEC. 23. When any village, incorporated or unincorporated, of one hundred and fifty inhabitants or upwards, and having a postoffice, is

Petition for rail-
road facilities.

Commissioner to
notify company
and appoint place
of hearing.

Penalty for
company neg-
lecting to comply
with order.

Proviso.

two miles or more from the nearest station on a railroad, and not more than one-half mile from said railroad, the commissioner of railroads shall, upon the petition of twenty freeholders resident in said village, asking for railroad facilities to accommodate the business of said village, notify the superintendent of said railroad and the petitioners of a time and place when he will hear the said petitioners and the officers of said road in regard to the desirability and practicability of furnishing such facilities to said village. At the time and place so designated, the commissioner shall make full inquiry into the matter, and make such order in regard to the necessary sidings and other track accommodations as he shall deem for the public interest and to be just and reasonable. Any company neglecting or refusing to comply with such order within the time prescribed, shall forfeit and pay to the state one hundred dollars per week for every week ensuing, after the expiration of the time for compliance therewith: *Provided*, That the state shall not be liable for any damages that may accrue to such railroad company, or individual copartnership or corporation by reason of any such order or any proceedings under or by virtue thereof, and no such claim shall be allowed against or paid by the state.

SEC. 2. This act shall take immediate effect.

Approved May 6, 1879.

[No. 63.]

AN ACT to amend section 12 of article four of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May 1st, eighteen hundred and seventy-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of article four, of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May 1st, eighteen hundred and seventy-three, be amended so as to read as follows:

Punishment for
placing imped-
iments on track,
etc.

SEC. 12. If any person shall, by the placing of any impediment upon the tract of any railroad, or by any other means whatsoever, throw from said track any engine or cars used thereon, or attempt so to do, whether such engine or cars be thrown from said track or not, or shall by any other means whatsoever willfully endanger, or attempt to endanger, the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the state prison during his

natural life, or any number of years, in the discretion of the court. And it shall not be necessary for the people to allege or prove in any such case that the person thereby intended to injure or endanger the life of any particular person or persons. Or if any person shall throw any stone, brick, or other missile at any passenger train he shall be deemed to be guilty of a misdemeanor, and on conviction thereof he shall be fined in an amount not less than ten dollars or more than three hundred dollars, or in default of fine, imprisonment in the county jail for not less than ten or more than ninety days, or by both fine and imprisonment, in the discretion of the court.

Punishment for throwing stones, etc., at passenger trains,

SEC. 2. This act shall take immediate effect.

Approved May 6, 1879.

[No. 64.]

AN ACT to provide for the compilation, printing and distribution of the laws in regard to establishing water-courses and locating ditches and drains by drain commissioners.

SECTION 1. *The People of the State of Michigan enact*, That the secretary of state is hereby required and instructed to compile and publish, as soon as practicable after the adjournment of the present legislature, all laws then in force in this state, including those passed by the present session of the legislature, relating to the establishing of water-courses, and the locating and constructing of ditches and drains by drain commissioners, together with such forms as may be necessary to use to carry out the provisions of such laws, and to forward to the county clerk of each county a sufficient number of copies to supply each drain commissioner and each supervisor and township clerk in such county, with at least one copy thereof.

Secretary of state to compile, etc.

Forms.

Distribution of

SEC. 2. This act shall take immediate effect.

Approved May 7, 1879.

[No. 65.]

AN ACT to provide for the better protection of the property belonging to the state library, and for the appointment of an assistant librarian.

SECTION 1. *The People of the State of Michigan enact*, That within three months from the passage of this act, the board of state auditors shall make an inventory of all books, pamphlets, and other property belonging to the state library, and a like inventory on or before the fifteenth day of January in each year thereafter.

Inventory of books, pamphlets, etc.

SEC. 2. The state librarian shall keep an accurate account of all lost or damaged books, and of all other property belonging to the state library which shall not be destroyed or permanently injured,

Account of lost or damaged books.

Where filed.	and annually file said account with the inventory made by the board of state auditors.
Assistant librarian.	SEC. 3. The state librarian is hereby authorized to appoint, with the advice and consent of the governor, one assistant, who shall be known as assistant librarian, and who shall give to the librarian a good and sufficient bond, approved also by the secretary of state, for the safe keeping of the property held in charge, and who shall take and subscribe the constitutional oath of office.
Oath and bond.	
Duty of assistant.	SEC. 4. It shall be the duty of the assistant librarian to aid in the care of the books, in the keeping of the accounts, and in rendering suitable facilities to all persons who are entitled to draw books, or who desire to examine any article or document deposited in the library, and, in the absence of the state librarian, to assume the authority, to take the oversight, and to perform the work now by law devolving upon said officer.
Salary.	SEC. 5. For the service rendered, the assistant librarian shall receive a salary not to exceed five hundred dollars a year, to be paid in monthly installments, upon the presentation of a certificate of the state librarian, showing a just right to the same, and drawn, upon a warrant of the auditor general, from any unappropriated funds in the state treasury.
Removal of assistant.	SEC. 6. The assistant librarian shall be at any time subject to removal when, in the opinion of the state librarian and the governor, the interests of the library and of the public demand it.
	SEC. 7. This act shall take immediate effect.
	Approved May 7, 1879.

[No. 66.]

AN ACT to amend section seventeen of an act entitled "An act to re-enact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the formation of corporations to construct canals or harbors, and improve the same by adding two new sections thereto, and by restricting its operations to the Upper Peninsula," approved May fourth, eighteen hundred and seventy-five.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That section seventeen of an act entitled "An act to re-enact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the formation of corporations to construct canals or harbors and improve the same, by adding two new sections thereto and by restricting its operations to the Upper Peninsula," approved May fourth, eighteen hundred and seventy-five, be and the same hereby is amended so as to read as follows :
Corporations may be assessed for village, city, county, and state tax, etc.	SEC. 17. All corporations formed or existing under this act shall be liable to be assessed for all real and personal estate held by them in this state, as provided by law for the assessment of other real and personal estate, and shall pay thereon a tax for township, village, city, county, state and other purposes, the same as other

real and personal estate; and such tax shall be assessed, collected and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid: *Provided*, That the capital stock of such corporations shall not be taxed as capital stock: *And provided further*, That if any of the property of any such corporation is now exempt from taxation, nothing herein contained shall impair or effect [affect] such exemption during the continuance thereof. Provide as to capital stock. Provide as to property now exempt from taxes.

SEC. 2. This act shall take immediate effect.

Approved May 7, 1879.

[No. 67.]

AN ACT to amend section two of an act supplementary to an act entitled "An act to establish the Detroit house of correction, and authorize the commitment of convicted persons therein," approved March twenty-seventh, eighteen hundred and sixty-seven, being section eight thousand one hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, and to repeal section seven of said act, being compiler's section eight thousand one hundred and seventy-one, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act supplementary to an act entitled "An act to establish the Detroit house of correction, and authorize the commitment of convicted persons therein," approved March twenty-seventh, eighteen hundred and sixty-seven, being section eight thousand one hundred and sixty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(8166.) SEC. 2. Whenever the sentence of any female now confined or that shall hereafter be confined, in the state prison, shall be by the governor, or other competent authority, commuted to confinement for any period in the Detroit house of correction, it shall be the duty of the agent of said state prison to at once transmit such person in proper and safe custody to the superintendent of said house of correction, whose duty it shall be to receive and safely keep her in said house of correction until the expiration of her sentence as commuted, or until she is otherwise discharged by due process of law or competent authority. And the board of inspectors of the state prison are hereby authorized and empowered to contract with the board of inspectors of said house of correction for the maintenance at said house of correction of persons sentenced pursuant to the provisions of this section: *Provided*, That the compensation shall not exceed one dollar per week. Commutation of sentence of females to confinement in Detroit house of correction. Inspectors of prison may contract with house of correction. Provide.

SEC. 2. Section seven of said act, being compiler's section Section repealed.

eighty-one hundred and seventy-one of the compiled laws of eighteen hundred and seventy-one, is hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved May 10, 1879.

[No. 68.]

AN ACT to amend sections three and five of act number fifty-three of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the better support of teacher's institutes, and to repeal sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one of the compiled laws of eighteen hundred and seventy-one."

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and five of act number fifty-three of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the better support of teachers' institutes, and to repeal sections thirty-seven hundred and eighty-nine, thirty-seven hundred and ninety, and thirty-seven hundred and ninety-one of the compiled laws of eighteen hundred and seventy-one," be and are hereby amended to read as follows:

Annual county institute.

Provide, when optional with superintendent.

Provide.

Provide.

Expense of institute, how paid.

SEC. 3. The superintendent of public instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor, and give due notice thereof: *Provided*, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of such institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held: *Provided, however*, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute may unite in the required application to said superintendent: *Provided, also*, That the said superintendent may, in his discretion, hold an institute for the benefit of two or more adjoining counties, and draw the institute fund from each of the counties thus benefited, as herein-after provided.

SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, may demand of the county clerk of each county for the benefit of which the institute is held, who shall thereupon draw an order on the county treasurer of his county for such sum, not exceeding the amount of the institute fund in the county treasury, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said superintendent or duly appointed

institute conductor, from the institute fund in his hands, the amount of said order.

SEC. 2. This act shall take immediate effect.

Approved May 13, 1879.

[No. 69.]

AN ACT to prescribe the manner of selling leasehold interests in lands on execution.

SECTION 1. *The People of the State of Michigan enact*, That leasehold interests in lands levied upon by execution shall be sold by public vendue between the hours of nine o'clock in the morning and the setting of the sun, at the court-house or place of holding the circuit court, in the county in which such lands are situated. Such levy shall be made in the manner provided by law for levying on real estate. Previously to the sale of any such leasehold interest, the same public notice of sale shall be given as may be required by law in the case of real estate sold on execution.

How leasehold interests may be sold on execution.

SEC. 2. The officer making the levy shall file with the register of deeds of the county where the leasehold premises are situated, a notice briefly setting forth the names of the parties to the execution, a description of the leasehold interests and premises levied upon and the date of such levy, and such levy shall be a lien upon the interest so levied upon from the date of the filing of such notice with the register. The register shall file and record such notice, and shall be entitled to the like fees as in the case of a notice of levy on real estate.

Notice to be filed with register of deeds.

Record of notice.

SEC. 3. Upon the filing of such notice of levy, it shall be notice of all the rights acquired by the plaintiff and purchaser at the sale, and the plaintiff in execution or his attorney, shall be thereafter entitled to reasonable notice from the lessor in case such lessor intends to forfeit the lease for any default made by the lessee, or person claiming under him, to the end that such plaintiff shall have a reasonable opportunity to comply with the terms of the lease and save a forfeiture; and in case the plaintiff or execution purchaser is compelled to pay any rent due at the date of sale on execution or previous thereto, no redemption shall be allowed until the amount so paid is refunded to the plaintiff or execution purchaser, with interest at ten per cent per annum, in addition to the amount for which such leasehold interests may be sold on execution.

Effect of filing notice of levy.

SEC. 4. When such leasehold interest is sold on execution, the purchaser will be thereupon entitled to all the rights and privileges of the defendant in and to the leasehold premises, and may immediately obtain possession thereof from such defendant or person holding under him in the manner provided in chapter two hundred and seventeen of the compiled laws of eighteen hundred and seventy-one, in the case of an unlawful detainer of lands.

Rights of purchaser.

SEC. 5. The officer making the sale shall, within ten days thereafter, execute to the purchaser a conveyance of the leasehold

Conveyance, when and how made.

interest, which conveyance, if the unexpired term of such lease then exceeds three years, shall be by deed duly executed and acknowledged, as in the case of a conveyance of real estate, which deed shall be deposited with said register of deeds, but shall not be recorded until the expiration of one year after the day of sale, and the officer making the sale shall endorse on such deed the date on which it will be entitled to record.

Redemption.

SEC. 6. In all cases where the unexpired term of the lease exceeds three years at the date of sale on execution, the defendant shall have one year after such sale in which to redeem from the purchaser or his assigns the interest so sold on execution, and upon such redemption being duly made, said deed shall become void, and the defendant shall be entitled to re-possess, recover, and enjoy the premises from the execution purchaser or assigns. Such redemption may be made in the manner provided by law for the redemption of real estate sold on execution.

When act not to apply.

SEC. 7. This act shall not apply to any levy made on any leasehold interest on lands before this act takes effect, but any such levy shall be governed by the laws in force when such levy was made: *Provided*, That the provisions of this act shall apply only to the northern peninsula of this state.

Proviso.

SEC. 8. This act shall take immediate effect.

Approved May 13, 1879.

[No. 70.]

AN ACT to amend chapter twenty-two of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, entitled, "An act for the incorporation of cities," by adding one new section thereto to stand as section sixteen.

Chapter amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter twenty-two of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, entitled, "An act for the incorporation of cities," be amended by adding a new section thereto, to stand as section sixteen, and to read as follows:

Council may collect poll tax, etc.

SEC. 16. The council shall have power to levy and cause to be collected in each year a poll or capitation tax upon every male inhabitant of the city, between the ages of twenty-one and fifty years, excepting active members of the fire department and such other persons as are exempted from the payment of such tax by the general law; and the council shall by ordinance, prescribe the time and manner of assessing and collecting said tax and the penalty for neglect or refusal to comply with the provisions of such ordinance. All taxes, moneys collected and fines received by the

Use of tax.

city pursuant to this section, shall be used exclusively for working and improving the highways, streets, lanes and alleys of the city.

SEC. 2. This act shall take immediate effect.

Approved May 13, 1879.

[No. 71.]

AN ACT relative to the admission of insurance companies of foreign governments into this state.

SECTION 1. *The People of the State of Michigan enact,* That whenever any fire or fire and marine insurance company, corporation, association, partnership, or individuals incorporated by or under the laws of any foreign government shall have securities deposited in any state of the United States, in accordance with the laws thereof, for the sole benefit and security of the policy-holders of such insurance company or corporation residing in the United States, to the amount of two hundred thousand dollars, and shall make and execute, under oath, a report of its financial standing, and of such securities, attested by the trustees thereof, which trustees shall be actual residents of the United States, together with a full statement of the business of such insurance company or corporation in the United States for the year next preceding such statement, in the same manner and form and at the same time as is now required by law of insurance companies of other states of the United States, and shall at the same time appoint an attorney in this state upon whom process of law can be served; then and in that case it shall be lawful for the commissioner of insurance to issue to such insurance company or corporation a certificate of authority to transact the business of fire or fire and marine insurance in this state, subject to the laws thereof: *When commissioner may issue certificates of authority.* *Provided,* That such securities so deposited are made available to the citizens of this state, under the laws of the state in which said securities are deposited. In estimating the financial standing of such companies or corporations, such deposit of two hundred thousand dollars shall be considered the cash capital of the company.

SEC. 2. The managers, resident directors, resident secretary, or general agents for the United States shall, for the purposes of this act, be deemed the legal and proper officers of such insurance company or corporation, and such company or corporation shall file with said insurance commissioner its consent thereto. *Who to be deemed proper officers of companies.*

SEC. 3. All acts or parts of acts conflicting with this act are hereby repealed. *Acts repealed.*

SEC. 4. This act shall take immediate effect.

Approved May 13, 1879.

[No. 72.]

AN ACT to amend consecutive section number thirty-one hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, relating to the incorporation of literary and scientific associations.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section number thirty-one hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, be so amended as to read as follows:

Articles of association.

(3157.) SEC. 3. The articles of association of every such society shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this state to take acknowledgment of deeds, and shall state

What to state.

First, The names of the parties associating in the first instance, and their places of residence;

Second, The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it is organized, which shall be only for the promotion of literary or scientific pursuits, or both, or for missionary or other benevolent purposes.

SEC. 2. This act shall take immediate effect.

Approved May 13, 1879.

[No. 73.]

AN ACT to facilitate the transaction of the business of co-operative and mutual benefit associations.

Associations may appoint agents.

SECTION 1. *The People of the State of Michigan enact*, That all associations which are now or may hereafter become incorporated under the provisions of chapter ninety-four of the compiled laws of the state of Michigan, entitled "An act to provide for the incorporation of co-operative and mutual benefit associations," approved April third, in the year of our Lord, eighteen hundred and sixty-nine, may by their boards of trustees authorize and empower any person or persons to act as the agent or agents of such corporation in any locality within this state for the purpose of soliciting members, and the transaction of any and all business of such corporation, as provided in the following sections.

Certificate of appointment.

SEC. 2. The board of trustees of any such corporation, shall upon appointing such agent or agents, make and deliver to such agent or agents a certificate of appointment, which certificate shall be signed by the president of such board of trustees, and attested by the secretary thereof, and shall be under the seal of such corporation.

What certificate to specify.

SEC. 3. Such certificate shall specify the powers and duties of such agent or agents: *Provided*, That such power shall not

conflict with the provisions of the constitution and by-laws of such corporation, or of the laws of this state.

SEC. 4. In case the membership of such corporation shall be composed of several lodges or societies working under and by the authority of such corporation, such certificate of authority may be given as aforesaid to the officers and members of any such lodge or society, and thereupon such officers and members shall be authorized to transact the business of such corporation in their respective localities, in accordance with the provisions of the constitution and by-laws of such corporation and of the laws of the state of Michigan.

Authority may
be given to
lodges, etc.

SEC. 5. In the cases provided for by the preceding section, such board of trustees may also issue a certificate of authority in the manner above provided to the financial or other officers of any such lodge or society, which certificate may empower and authorize such officer during the interim between the meetings of such lodge or society to receive and receipt for any and all dues and assessments levied upon the members of such lodge or society by authority of such corporation, and during such interim to suspend or reinstate such members, or any of them, in accordance with the provisions of such constitution and by-laws as aforesaid.

Certificate of
authority to
financial officers,
etc.

SEC. 6. This act shall take immediate effect.

Approved May 13, 1879.

[No. 74.]

AN ACT making an appropriation for a new cottage, with additional dormitory accommodation, and other repairs and improvements for the state reform school.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirteen thousand three hundred and fifteen dollars be and the same is hereby appropriated for the following named purposes, to-wit: seven thousand and five hundred dollars, for the erection of a new cottage with dormitories, including heating apparatus for the same; two thousand dollars for remodeling and renovating steam heating and ventilating apparatus; one thousand dollars for furnishing new cottage; seven hundred and fifty dollars for two hundred and fifty desks for school rooms; three hundred dollars for one pair of farm horses; three hundred dollars for two fountains for lawn; three hundred dollars for concrete pavement for play-yard; three hundred dollars for cooking range (four ovens); one hundred and fifty dollars for farm fence; one hundred and fifty dollars for tile drains for south farm; one hundred and fifty dollars for bath rooms; one hundred dollars for front fence and gates; eighty dollars for a mowing machine; seventy-five dollars for painting barn, etc.; seventy dollars for two book cases; fifty dollars for a new harness; forty dollars for two chain pumps.

Appropriation.

For what purpose.

SEC. 2. That the aggregate sum appropriated by section one of

How paid.

this act, shall be passed to the credit of the state reform school, and paid on the order of the board of control of that institution, in such sums and amounts as may be made to appear to the auditor general to be necessary according to law.

To be incorporated in State tax.

SEC. 3. That the said aggregate of thirteen thousand three hundred and fifteen dollars, the auditor general shall add to and incorporate in the state tax for the year eighteen hundred and seventy-nine, which sum when collected, shall be passed to the credit of the general fund to indemnify the same for the appropriation made by section one of this act.

SEC. 4. This act shall take immediate effect.

Approved May 13, 1879.

[No. 75.]

AN ACT making an appropriation for the support of the state reform school for the years eighteen hundred and seventy-nine and eighteen hundred and eighty.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of thirty-five thousand and five hundred dollars, to meet the current expenses of the state reform school for the year eighteen hundred and seventy-nine; and the further sum of thirty-five thousand and five hundred dollars to meet the current expenses of the state reform school for the year eighteen hundred and eighty.

How paid.

SEC. 2. The several sums appropriated by the provisions of section one of this act, shall be passed to the credit of the state reform school, and paid on the order of the board of control in monthly or quarterly installments in accordance with provisions of law.

To be incorporated in State tax.

SEC. 3. The one-half of the aggregate sum of the appropriation made by this act, the auditor general shall add to and incorporate in the state tax for the year eighteen hundred and seventy-nine, and the other half of said aggregate sum appropriated by this act, the auditor general shall add to and incorporate in the state tax for the year eighteen hundred and eighty, which sums when collected, shall be passed to the credit of the general fund to reimburse the same for the moneys hereby appropriated.

SEC. 4. This act shall take immediate effect.

Approved May 13, 1879.

[No. 76.]

AN ACT to establish and organize a municipal court in the city of Grand Rapids to be known and called "The police court of Grand Rapids," and to repeal an act entitled "An act to establish and organize a police court in the city of Grand Rapids," approved April thirtieth, eighteen hundred and seventy-three,

and all amendments thereto, and all acts and parts of acts in any wise contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* That there shall be established and organized a municipal court in and for the city of Grand Rapids, to be known as and called "The police court of Grand Rapids," and there shall be elected a judge and a clerk of said court, as hereinafter provided. The police justice of the city of Grand Rapids, now officiating, shall continue and hold his office, and exercise the powers and duties herein conferred, under the title of "police judge," until the expiration of the time for which he was elected. At the annual charter election of said city to be held in eighteen hundred and eighty-two, and at every fourth annual charter election thereafter, a police judge shall be elected in and for said city, by the electors thereof, in the manner provided by law for the election of mayor of said city, and the person so elected shall hold said office for the term of four years from and after the first Monday in May next after his election, and until his successor shall be elected and qualified. Before entering upon the duties of his office, he shall take, subscribe, and file in duplicate with the clerk of said city, and with the clerk of the county of Kent, respectively, the constitutional oath of office. He shall be an attorney and counsellor at law, entitled to practice in all the courts of this state, and a resident in, and qualified elector of said city.

Police court of Grand Rapids established.

Police justice to hold office until expiration of term.

Election of police judge.

Oath.

To be an attorney.

SEC. 2. At the first annual charter election to be held in said city next after the passage and approval of this act, and at every second annual charter election thereafter, there shall be elected a clerk of the police court, in the manner provided by law for the election of the judge of the said court. He shall enter upon the discharge of the duties of his office on the first Monday in May next after his election, and hold the same for the term of two years thereafter, and until his successor shall be elected and qualified. He shall be a resident of and a qualified elector of said city. Immediately after the passage of this act, and before said first election of such clerk, the common council shall appoint a suitable and qualified person to exercise the duties of said office until a clerk shall be elected and qualified under this act.

Election of clerk.

Commencement of term.

SEC. 3. Before entering upon the duties of his office, the clerk of police court shall take, subscribe, and file with the clerk of said city the constitutional oath of office, and give a bond to the city of Grand Rapids, and a bond to the treasurer of the county of Kent, each in the sum of two thousand dollars, with two sufficient sureties, to be approved by the mayor of said city, and by the treasurer of said county, respectively, conditioned for the faithful discharge of the duties of his office, and to account for and pay over to the proper treasurers, in the manner and at the times hereinafter provided, all moneys which shall come into his hands by virtue of his said office. The bond to the city shall be filed with the city clerk, and the bond to the treasurer of said county shall be filed with said treasurer; and if from any cause a vacancy shall occur in the

Oath of office and bond of clerk.

Where bonds filed.

Vacancy in office, how filled. office of judge or clerk of said police court, either or both, the common council of said city may order a special election to be held for the election of a judge or clerk of said court, as the case may be, for the remainder of the term of said judge or clerk, as the case may be, which said election, if ordered, shall be conducted in the same manner as the annual city election, and the same notice thereof given, as is required by law to be given for the annual city election.

Duty of prosecuting attorney and city attorney. SEC. 4. It shall be the duty of the prosecuting attorney of the county of Kent, or his authorized deputy or assistant, to attend any session upon call of said police court, and prosecute all state criminal cases therein; and it shall be the duty of the city attorney, or any assistant, authorized by the common council, to attend any session upon call of said court to prosecute all violations of the charter, by-laws, or ordinances therein.

Where court to be held. SEC. 5. The police judge shall hold a court in said city, at a suitable place, to be provided by the common council thereof, to be styled the police court, and which shall not be a court of record.

Powers of. Said police judge and court shall have power and authority to take complaints, issue all processes necessary in said court, and the same power to punish contempts and preserve order, to compel the attendance of jurors, witnesses, and parties, and such further powers incident to a circuit court, and the judge thereof, as may be necessary in the exercise of the jurisdiction and powers herein conferred upon him. He shall have all the powers and authority of a justice of the peace except in the trial of civil cases.

Jurisdiction. SEC. 6. Said police court shall have exclusive original jurisdiction to issue process for, hear, try, and determine all cases against persons charged with violations of the provisions of the charter of said city, and of the by-laws and ordinances of the common council thereof, already enacted, or that may hereafter be enacted, anything in any other law of this state or the charter of said city or any ordinance of said city contained to the contrary thereof notwithstanding, and all the provisions of law relative to complaints against offenders for violations of the provisions of the charter of said city or any by-law or ordinance of the common council of said city, and relative to process, proceedings and judgments therein and relative to executions upon such judgments and proceedings thereon shall apply to said police court. Said police court shall also have exclusive original jurisdiction to issue process for, hear, try, and determine all cases of misdemeanor and of a *quasi* criminal nature, committed within the corporate limits of said city, heretofore within the jurisdiction of justices' courts, anything otherwise herein or in any other law of this state contained to the contrary thereof, in any wise notwithstanding. Said police court shall also have exclusive original jurisdiction to issue process for, hear, and examine, and hold to bail, or discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor, in the same manner as justice courts of this state might do in similar cases

before them. It shall not be necessary to file a record of any conviction had in said court, but the dockets and files shall be *prima facie* evidence of all proceedings had in said court: *Provided, however,* That all persons arrested without process by policemen, police officer, constables, or city marshal, shall be prosecuted under the city charter, by-laws, or ordinances, except by and with the advice and consent of the prosecuting attorney.

Docket prima facie evidence of proceedings.

Proviso.

SEC. 7. The practice in said court shall be the same as practice in courts of justices of the peace in criminal cases, and the laws of this state relative to such practice, and the procedure before justices of the peace in criminal cases, shall except where herein otherwise provided, extend to said police court. All process issued out of said court shall be signed by the judge thereof, and directed to the chief of police, or any member of the police force of said city, or to the sheriff of Kent county, but no such process shall be served or executed by the chief of police or any member of said police force outside of the corporate limits of said city. It shall be the duty of the sheriff to keep a record of all process required to be served and executed outside of said city, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein, and the amount of fees and charges of the officers who shall execute the same.

Practice in court.

Process.

Record of process.

SEC. 8. The police judge and clerk shall receive no fees or perquisites for their services performed under this act, but in lieu thereof the police judge shall receive an annual salary of fifteen hundred dollars, one half of which shall be paid by the city of Grand Rapids, monthly, in the manner provided by law for the payment of the salary of the judge of the superior court of Grand Rapids, and one-half of which shall be paid by the treasurer of the county of Kent, out of the treasury of said county, in the manner provided by law for the payment of the salary of the prosecuting attorney. The clerk of said police court shall receive such annual salary, to be paid in the manner herein provided for the payment of the salary of the police judge, as the common council of said city shall annually fix and determine: *Provided, however,* That the salary of said clerk shall not exceed the sum of eight hundred dollars per annum, one-half of which shall be paid by said city, and one-half thereof by the treasurer of the county of Kent, out of the treasury of said county, subject to the provisions of section seventeen of this act as to the salary of deputy clerk. Neither the chief of police nor any member of the police force of said city shall be entitled to receive for his own use any fees for services performed under this act, but in lieu thereof the chief of police and members of the police force of said city, shall receive such annual salary as shall be fixed by said common council, from time to time, which said salaries shall be allowed, raised, and paid monthly out of the treasury of said city, in the same manner that other charges against said city are allowed and paid.

Salary of judge and clerk.

Proviso.

Policemen not to receive fees.

SEC. 9. It shall be the duty of the common council of said city to provide a suitable office for the clerk of said court adjacent to the court-room thereof, and such necessary furniture, fuel, records,

Council to provide office, etc., for clerk.

	blanks, stationery, and other articles as may be required for the court, clerk, and other officers of said court.
Court to be always open.	SEC. 10. The police court shall always be open for business, but may adjourn from day to day, and from time to time, provided the business thereof shall not be unnecessarily delayed. A member of the police force of said city shall attend each session of said court as the officer thereof. In case of the removal from said city of the judge of said police court, his death, resignation or removal from office, his office shall be deemed vacant, and such vacancy filled in the manner hereinbefore provided. The same causes shall be deemed to constitute a vacancy in the office of clerk of said police court, and such vacancy shall be filled in like manner.
Vacancy in office of judge.	
Judge to instruct jury as to law.	SEC. 11. It shall be the duty of the judge of said court to instruct the jury as to the law applicable to the case. Such defendants shall have the right of appeal and <i>certiorari</i> from final judgment of said court, as is provided by law for appeals and <i>certiorari</i> from final judgments of justices of the peace in criminal cases. In state criminal cases, appeals and writs of <i>certiorari</i> shall, when taken, be taken to the circuit court for the county of Kent. Juries shall be obtained, and appeals and writs of <i>certiorari</i> , both in city and state cases, shall be taken, perfected, and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.
Appeals.	
Juries.	
Assistant police judge.	SEC. 12. At the first annual meeting of the common council of said city, in each year, or within twenty days thereafter, said council shall select, from among the justices of the peace of said city, a suitable and qualified person as assistant police judge, who shall possess the same qualifications as is required of the police judge, and exercise the power, authority, and jurisdiction herein conferred upon said police judge, in cases of the absence, inability, or disability of the police judge to perform the duties of his office. He shall receive compensation for the time he shall officiate at the same rate as herein provided to be paid to the police judge, to be paid by said city and county, and the same to be deducted from the salary of the police judge.
Compensation.	
Proceedings for violation of ordinances.	SEC. 13. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city, shall be prosecuted and proceeded in, in all respects, as criminal cases, but all fines and costs collected in such cases shall be by the clerk of the police court paid to the treasurer of the city of Grand Rapids, on the first Monday of each and every month, or within three days thereafter, and all fines and costs collected in state criminal cases shall, at the same time, be paid to the treasurer of the county of Kent, by the clerk of the police court, and receipts therefor shall be duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city, in city and state criminal cases, and to the board of supervisors in state criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fine and costs separately collected by him, and shall
Fines to be paid to city treasurer.	
Clerk to report in writing to council, etc.	

make oath thereto that the same are correct, and that he has paid over all the said moneys respectively, in accordance with the provisions of this act.

SEC. 14. The fees and costs in each case in the said court, whether under the laws of this state or under the charter, by-laws or ordinances of said city, shall be the same as are or may be provided by law for like cases before justices of the peace in criminal cases, and shall be taxed by the said clerk, and an itemized bill kept in each case with the file thereof. The fees of witnesses, jurors, sheriffs and constables, other than police officers of said city shall, when collected, be paid to them by said clerk to their own use, and in city cases commenced before said police judge for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this state, within the jurisdiction of said judge to try and determine. If the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge, judgment for costs accruing in the case shall be rendered against and paid by said defendant, in addition to the fine, penalty or forfeiture imposed. Fees and costs.
Fees of witnesses, etc.

SEC. 15. The said police judge or clerk shall have authority in all cases, either state or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs, to the satisfaction of said judge, and the person becoming such surety shall sign a memorandum in writing to that effect, which said judge shall keep as a part of the record of the case. If the defendant or accused be discharged on examination, or acquitted on trial, the said police judge shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect, and shall be collected as upon judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions, as near as may be: *Provided, however,* Before rendering such judgment said judge shall certify on his record that such payments of costs by such complainant, in his opinion, is just and equitable. Security for costs.
When judgment may be entered against sureties, etc.

SEC. 16. One-half of all the costs and expenses of said city in maintaining and providing for said court other than for the salaries of its officers, shall be paid to the clerk of said city annually by the treasurer of said county, out of the treasury of said county, and by said city clerk deposited in the treasury of said city at the close of the regular annual session of the board of supervisors of said county: *Provided,* That one-half the whole amount of the expense of said city for salaries of the police judge and clerk of the police court, and for rent of court-room and office for said clerk, and records, blanks, and stationery for use of said court and the officers thereof, in any one year, shall not exceed the sum of sixteen hundred dollars. It shall be the duty of the clerk of said city on the first day of each annual session of said board, to present the claim of said city therefor, duly certified, and said board shall, if found correct, at the same session, audit and allow the same, and order the payment thereof as aforesaid. County to pay part of expenses of court.
Provided.

- Clerk to keep records of court, etc.** SEC. 17. The clerk of the police court shall keep the records of said court, and do all necessary clerical labor of said court, and be the custodian of the records and files and property of said court. He shall provide the court and its officers with necessary stationery, records, blanks, and other articles to be furnished by said city on requisition on the common council thereof.
- Docket.** The docket entries of said court shall be signed by the judge thereof. Said clerk shall receive and account for all moneys collected in said court.
- Deputy clerk.** He shall annually nominate a suitable person as deputy, to be elected by the common council of said city, and who shall perform the duties of said clerk in case of the absence, inability or disability of said clerk to act; such deputy shall, before acting, take and file the oath of office, and make and file the like bonds as are required of the clerk. While he shall officiate he shall receive the salary of the clerk, and during such time the clerk shall receive no salary. Said clerk shall file and preserve all of the records and files of said court, and he shall not be concerned as council in any case therein.
- Salary.**
- Judge may be suspended.** SEC. 18. Said police judge may be suspended from his said office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.
- Commitments.** SEC. 19. Whenever any person shall be sentenced by the police court to confinement in any place of imprisonment outside of the corporate limits of said city, it shall be the duty of the sheriff or any deputy sheriff of Kent county to take, transfer, convey, and deliver such sentenced person, under commitment of said court, to such place of imprisonment; but all other commitments may be executed by said sheriff or by the chief of police, or any member of the police force of said city.
- Examination of offenders.** SEC. 20. In cases of examinations of offenders by said police judge for offenses committed against the criminal laws of this state, where said police judge has jurisdiction to examine and hold to bail only, it shall be lawful for the prosecuting attorney of Kent county in any such examination, if in his judgment it be for the best interest of the public so to do, and upon a special order of the judge of the circuit court for said county, to employ some suitable stenographer to take down in short-hand the testimony in any such examination, and any such stenographer so employed in any such examination shall receive such per diem compensation for the time by him expended in so taking down such testimony, and such price per folio for writing out in long-hand such testimony so taken in short-hand, as shall be fixed by the board of supervisors of Kent county, the same to be allowed and paid out of the treasury of said county.
- Stenographer may be employed.**
- How cases now pending to-be-tried.** SEC. 21. All criminal cases arising in said city and commenced before any justice of the peace before this act shall take effect, shall be tried, heard, determined, or examined, as if this act had not been passed, and all cases pending in the police court of said city at the time of the passage of this act, shall be tried, heard, determined, or examined into as if this act had not been passed.
- SEC. 22. An act entitled "An act to establish and organize a

police court in the city of Grand Rapids," approved April thirtieth, eighteen hundred and seventy-three, and all amendments thereto, and all acts and parts of acts in any wise contravening the provisions of this act are hereby repealed. Act repealed.

SEC. 23. This act shall take immediate effect.

Approved May 13, 1879.

[No. 77.]

AN ACT to provide for the assessment and taxation of telegraph lines within the state of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* all telegraph lines built and operated within the state of Michigan shall be subject to taxation, as hereinafter provided. Companies sub-
ject to tax.

SEC. 2. It shall be the duty of the president, vice president, general manager, or superintendent of every telegraph company operating a line in this state to furnish the auditor general, on or before the first Monday of July in each year, a statement, under oath, and in such form as the auditor general may prescribe, showing the following facts: Report to auditor
general.

First, The total number of miles owned, operated, or leased, within the State, with a separate showing of the number leased;

Second, The total number of miles in each separate line or division thereof, together with the number of separate wires thereon, and stating the counties through which the same is carried;

Third, The total number of telegraph stations on each separate line, and the total number of telegraphic instruments in use therein, together with the total number of stations other than railroad stations maintained;

Fourth, The average number of telegraph poles per mile used in the construction and maintenance of said lines.

SEC. 3. Upon the receipt of the said statement from the several companies, the auditor general, state treasurer, and commissioner of the land office, who are hereby constituted a board of review for that purpose, shall, during the month of July in each year, proceed to assess said telegraph lines at the true cash value thereof. Board of review.

SEC. 4. The said board of review shall also at the same time determine the rate of tax to be levied and collected upon said assessment which shall be the same as the average rate of taxes, general, municipal, and local, levied throughout the state during the previous year, which rate shall be ascertained from the records and files in the auditor general's office, which tax shall be in lieu of all other taxes, state and local, and shall be payable to the state treasurer. Rate of tax.

SEC. 5. The taxes levied as provided in this act shall become due and payable to the state treasurer on the first day of January following the levy thereof; and if said taxes are not paid as herein provided, the state shall have a lien upon any line upon which such taxes are not paid and its appurtenances, and for all taxes which When taxes due.

may accrue thereon to the state by virtue of the provisions of this act, which shall have precedence of all other liens.

What lines
exempt.

SEC. 6. Any telegraph line which may be owned and operated by any railroad company exclusively for the transaction of the business of such company, shall be exempt from the provisions of this act.

Failure to report
not to release
lines from tax.

SEC. 7. If the officers of any company fail to make and file the report required by section two of this act, such neglect shall not release its lines from taxation, but the said board of review shall proceed to assess the line notwithstanding, adding thereto thirty per centum on the assessable value thereof.

Acts repealed.

SEC. 8. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SEC. 9. This act shall take immediate effect.

Approved May 20, 1879.

[No. 78.]

AN ACT to authorize certain persons to enter upon land being mined for coal in the state of Michigan, and to enter the mine thereon and make an examination and survey, and to provide for the collection of damages of certain persons, corporations or companies, for obstructing or not permitting such an examination and survey, as provided for in this act.

Authority of
persons owning
adjoining lands
to examine coal
mines.

SECTION 1. *The People of the State of Michigan enact*, That any person owning and possessing land in this state, adjoining land being mined for coal by any person or persons, corporation or company, on making application to such person or persons, corporation or company so mining coal, or to other agents, managers or officers of said corporation or company, or to any one of them, for permission to enter upon the land so [being] mined for coal, and enter the mine on said land, as often as said applicant may deem it necessary, to make an examination and survey of the same, for the purposes set forth in this act, shall have the right, and shall be permitted and authorized, either in person or by such persons as said applicant shall employ for that purpose, to enter upon the land so being mined for coal, by such person or persons, corporation or company, and to enter said mine thereon, and make an underground examination and survey, and also make a surface survey of said land so being mined, so far as it may be necessary to ascertain and determine whether such person or persons, corporation or company have made any encroachments upon the applicant's adjoining land, and are mining or have mined and taken coal from the land of the person making such application, and to what extent.

When persons
leasing land may
examine mine.

SEC. 2. Any person who has leased land in this state, to any person or persons, corporation or company, for the mining of coal, or who may hereafter lease land in this state for that purpose, by which lease the said person or persons, corporation or company agree to pay to the lessor a certain sum of money per ton, for the coal mined in pursuance of said lease, and such person or persons,

corporation or company, are mining and taking coal from said land, [such] lessor, his heirs or assigns, on making application to the person or persons, corporation or company so mining coal on said leased land, or their agents, managers or officers of such corporation or company, or to any one of them, for permission to enter the mine of said lessees, to make an underground examination and survey of the same, for the purposes set forth in this act, shall have the right, and shall be permitted and authorized, either in person or by such persons as said applicant shall employ, and as often as said applicant may deem it necessary, for that purpose, to enter the mine of said lessees or other assigns, and make an underground examination and survey, and also a surface survey of said coal mine, so far as said lessor may deem it necessary to ascertain and determine the quantity of coal mined and taken from said land so leased and being mined by said lessees, or any person or persons acting under or by virtue of said lease.

SEC. 3. The person or persons, corporation or company, their agents, officers or managers of said coal mine, or any one of them to whom application shall be made for an examination and survey, as provided for in this act, shall permit the person so applying, or such persons as said applicant shall employ for that purpose, to enter upon the land so being mined for coal, and to enter the coal mine and make an examination and survey, as authorized by this act, and shall permit them to enter said coal mine and to come out of the same as often as it may be necessary to make and complete said examination and survey, and in the usual way and manner the workmen of said mine enter said mine and come out of the same: *Provided*, That such examination and survey shall not be made oftener than once in twenty days: *And provided further*, That said applicant shall be liable to pay necessary and actual damages for injuries to the property of said person or persons, corporation or company, in making said examination and survey: *Provided*, Said damages or injuries do not result from the fault or misconduct of said persons, corporation or company.

How mine may be entered.

Provide.

Who to pay damages for injury to mine.

Provide.

SEC. 4. If said person or persons, corporation or company, or other agents, officers or managers, or employés, after an application has been made to enter the coal mine as provided for in this act, shall remove the supports sustaining the roof of their said mine, before said examination and survey can be reasonably made, and cause the said roof to fall, or do any other act or thing whereby such examination and survey shall be obstructed and cannot well be made, as provided for in this act, the said person or persons, corporation or company so mining coal shall be liable to the said person making such application, his heirs or assigns, to pay the sum of five hundred dollars damages, to be recovered by said applicant or his heirs or assigns in an action on the case, with costs of suit.

Penalty for obstructing examination.

SEC. 5. If said person or persons, corporation or company, or their agents, officers or managers, or any one of them, shall refuse to permit the applicant or the persons he may employ, to enter upon the land so being mined, or to enter the said coal mine for

Penalty for refusal to permit entry.

an examination and survey, as provided for in this act, such person or persons, corporation or company, for each day's actual neglect and refusal to permit such entry for such examination and survey, shall be liable to the said person making such application, his heirs or assigns, to pay the sum of one hundred dollars damages to be recovered by said applicant or his heirs or assigns in an action on the case, with costs of suit.

SEC. 6. This act shall take immediate effect.

Approved May 20, 1879.

[No. 79.]

AN ACT to authorize the formation of associations for intellectual, scientific, esthetic, spiritual, religious or liberal culture or inquiry.

Who may associate.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons of full age, not less than five, may associate themselves together for the purpose of intellectual, scientific, esthetic, spiritual, religious or liberal culture or inquiry or any or all of such purposes, in the manner provided by this act.

What articles of association to state.

SEC. 2. The persons thus associating shall sign articles of association which shall state:

First, The corporate name of such association;

Second, The purpose or purposes of such association, which shall be within the first section of this act;

Third, The names and places of residence of the persons associating themselves in the first instance;

Fourth, The number and official designation of the managing officers thereof, not less than three nor more than nine;

Fifth, Whether it is a county, city, or other local association [or a state association];

Sixth, The times and places of holding the regular meetings and of the annual meetings of such association.

State associations, of what composed.

SEC. 3. State associations under this act may be representative associations, and may be composed of members of county, city, or other local associations under such conditions as to representation of such local associations as may be prescribed by the articles of association of such state association.

Articles to be acknowledged.

SEC. 4. Such articles of association shall be acknowledged by the persons associating themselves in the first instance before some officer authorized to take acknowledgments of deeds, and shall be recorded in the office of the clerk of the county named as the place of annual meeting in such articles, and thereupon such association shall become a body corporate for the purposes of said association.

Powers and liabilities of corporations.

SEC. 5. Corporations organized under this act shall possess all the powers and have all the liabilities usual to corporations, and may take by gift or purchase, or may acquire by other lawful means, and may hold or transfer, by deed of such managing officers as are duly elected, from time to time property real or personal, for

the proper purposes of such association, which property at any time held shall not exceed in value one hundred thousand dollars.

SEC. 6. Such managing officers shall be elected at each annual meeting (which may be adjourned from time to time by a majority vote of members present), and shall hold their offices for such time, not exceeding three years, as the rules or by-laws of such association may prescribe. A majority of such managing officers shall be a quorum for the transaction of business, and they may appoint such subordinate officers as they deem proper, or as may be prescribed by their by-laws. They may make, alter, amend or repeal all needful or proper rules, regulations, conditions of membership, and by-laws, subject to approval of a majority of members present at the annual meeting or any adjournment thereof, and shall care for the property and transact the business and administer the affairs of the corporation, subject to such by-laws and the laws of the state of Michigan. And the officers of such association, or any of them, shall report the condition of its affairs when so required by the governor, the secretary of state, or either house of the legislature.

Election of officers.

Quorum.

Powers of officers.

To report to governor, etc.

SEC. 7. This act shall take immediate effect.

Approved May 20, 1879.

[No. 80.]

AN ACT making appropriations for the institution for educating the deaf and dumb and the blind, for the years eighteen hundred and seventy-nine, and eighteen hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That the sum of forty thousand one hundred dollars for the year eighteen hundred and seventy-nine, and the further sum of forty thousand one hundred dollars for the year eighteen hundred and eighty, or so much of said sums as may be necessary, are hereby appropriated to defray the current expenses of the institution for educating the deaf and dumb and the blind; including furniture, beds and bedding, general repairs on buildings, and the expense of operating the boot and shoe shop, cabinet shop, basket shop, broom shop and printing office.

Amount appropriated.

SEC. 2. The sum of six thousand six hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the following special purposes, viz.: For building one grain barn with basement, fifteen hundred dollars; for laying seventy-five squares of flooring, three hundred dollars; for painting buildings, one thousand dollars; for re-laying stone steps in front of main building, two hundred dollars; for building portico, one thousand eight hundred dollars; for repairing roofs and gutters, one thousand five hundred dollars; for purchasing one carriage for use of institution, three hundred dollars.

Purposes for which appropriated.

SEC. 3. The several sums mentioned in this act are hereby appropriated out of the general fund, and passed to the credit of the asylum fund for the benefit of the institution for educating

How money paid.

the deaf and dumb and the blind ; and shall be paid to the board of trustees of said institution at such time and in such manner, and amounts, only as are or may be provided by law, and may be made to appear to the auditor general to be necessary for the immediate wants of said institution ; and in no case shall a greater sum be drawn at one time from the state treasury than five thousand dollars.

To be incorporated in state tax.

SEC. 4. Of the above mentioned sums, the auditor general shall add to and incorporate with the state tax for the year eighteen hundred and seventy-nine, the sum of forty-six thousand and seven hundred dollars, and for the year eighteen hundred and eighty the sum of forty thousand one hundred dollars, which sums when collected shall be passed to the credit of the general fund.

SEC. 5. This act shall take immediate effect.

Approved May 20, 1879.

[No. 81.]

AN ACT to provide for the construction of a sewer for the new state capitol building.

Amount appropriated.

SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand dollars be and the same is hereby appropriated out of the general fund in the state treasury for the year one thousand eight hundred and seventy-nine, for the purpose of constructing a sewer from the state capitol to a suitable outlet.

Purpose of appropriation.

How paid.

SEC. 2. The amount appropriated by section one of this act, or so much thereof as shall be necessary, shall be paid by the state treasurer upon the warrants of the auditor general upon estimates of amounts due for labor, materials, and incidental expenses incurred on account of the construction of said sewer, duly certified by the board of state auditors, approved by the governor, and allowed by the board of state auditors, in the manner provided for the allowance of accounts on account of the construction of the state capitol.

Surveys, estimates, and plans.

SEC. 3. The board of state auditors is hereby authorized and empowered to cause the necessary surveys to be made, to procure estimates and plans for a suitable sewer, and to contract for the construction of the same in such manner, subject to the provisions of this act, as they shall deem for the best interest of the state.

Unlawful to tap or open sewer.

SEC. 4. It shall not be lawful for any person or persons to tap, open, or otherwise disturb the sewer provided for in this act, except for the necessary repairs thereof under competent authority ; and any person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the jail of Ingham county not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

SEC. 5. The board of state auditors shall select such route for the

[said] sewer as shall, in their judgment, render the same most economical in construction and satisfactory in its results, and for the purpose aforesaid, such portions of the streets or other public or private grounds within the city of Lansing as may be required may be condemned and set apart for said sewer, as hereinafter provided.

Route of sewer.

SEC. 6. The board of state auditors are hereby authorized to arrange and contract with the mayor and common council of the city of Lansing for the construction and permanent maintenance of a sewer for the use of the city of Lansing and the state capitol jointly, should they consider the same to be for the best interest of the state, at a total cost to the state not exceeding the sum of eight thousand dollars out of the above appropriation.

Board may contract with city of Lansing for construction of sewer jointly.

SEC. 7. Whenever the board of state auditors shall have determined upon the route for the construction of said sewer, in case no contract with the city of Lansing is made, they shall proceed to acquire to the state the title of such lands as may be necessary for that purpose, and shall have full power to purchase said lands for the state on such terms as shall seem to them just and reasonable; and in case they shall be unable to agree with the owner or owners as to the proper price to be paid therefor, the said board shall file their petition in the circuit court for Ingham county, describing the land or real estate required, and stating the necessity therefor, and asking that the same be condemned for the purpose of such sewer, and thereupon said court shall fix a time for, and order a hearing upon the matter of said petition, and shall direct that all persons interested in such land or real estate shall be summoned to appear before said court at a time to be named in such summons and show cause why such land should not be condemned, which summons shall be served upon such persons personally or by such publication as the court shall direct, a reasonable time before such hearing; and said court shall thereupon hear such cause before said court, and before a jury, if a jury be demanded, and shall, by the judgment of said court, or upon the verdict of such jury, determine the compensation to be paid the owners or persons interested in such land or real estate, and shall enter thereon an order and judgment that the said compensation be paid as so determined, and that said land or real estate be and the same shall thereby be condemned for the purpose of such sewer.

May acquire title to land necessary for sewer.

Proceedings to condemn land.

SEC. 8. In case any real estate is purchased by said state auditors, under the provisions of this act, the deeds therefor shall run to the state; and in case said state auditors are unable to agree with the owner or owners of such real estate, or with any person having an interest therein, as to the price and value of the same, and condemn the same as herein provided, and appraise the damage to the owner or owners thereof, they shall file with the register of deeds of the county of Ingham a statement of their proceedings, with a description of the real estate condemned by them, which statement shall be recorded at length by such register, and shall be notice that such lands have been taken and condemned to the use of the state; and thereafter such real estate so appraised and con-

Deeds of lands purchased.

Where statement filed when land condemned.

demned as aforesaid shall belong to and be the property of the state.

State treasurer
to pay damages,
etc.

SEC. 9. It shall be the duty of the state treasurer to pay out of the moneys hereby appropriated the sums of money certified by the said board of state auditors to have been agreed upon, or which have been awarded for damages to the owner or owners or persons interested in such real estate.

SEC. 10. This act shall take immediate effect.

Approved May 20, 1879.

[No. 82.]

AN ACT to change the name of the board of state commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the board provided for by an act entitled "An act to provide for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions, and defining their duties and powers," approved April seventeenth, eighteen hundred and seventy-one, heretofore known and designated as "the board of state commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions," shall hereafter be known and designated as "the board of corrections and charities."

New name.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved May 20, 1879.

[No. 83.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to drain and reclaim certain swamp lands, in the township [townships] of Ganges, Casco, and Clyde, in Allegan county.

Appropriation of
land.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands of this state are hereby authorized and empowered to appropriate not to exceed two thousand acres of state swamp lands in the Lower Peninsula, not otherwise appropriated, or so much thereof as they may deem necessary after a full investigation of its merits, for the purpose of straightening and deepening the channel of the north branch of the Black River in the township [townships] of Casco, Ganges, and Clyde in Allegan county, to aid in draining and reclaiming the swamp lands situate and being in the above named township [townships] and county in this state: *Provided*, That such improvement shall be made, and said expenditures are in pursuance of the

Purpose of approp-
riation.

Proviso.

provisions of law relative to the construction of swamp land state roads and ditches, under the supervision of the state swamp land commissioner and said board of control.

SEC. 2. This act shall take immediate effect.

Approved May 20, 1879.

[No. 84.]

AN ACT to provide for the incorporation of state conventions and divisions of the Ancient Order of Hibernians.

SECTION 1. *The People of the State of Michigan enact*, That state conventions and subordinate divisions of the Ancient Order of Hibernians of the state of Michigan may be incorporated in pursuance of the provisions of this act. Who may be incorporated.

SEC. 2. Any five or more persons, residents of this state and being members of the [a] state convention of the Ancient Order of Hibernians of the state of Michigan, desirous to become incorporated, may with the consent of such convention, make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this state, having authority to take acknowledgments of deeds, and shall set forth: Who may file articles.

First, The names of the persons associating in the first instance, and their place of residence; What articles to set forth.

Second, The corporate name by which such association shall be known in the law, and the place of its business office;

Third, The object and purpose of such association, which shall be to promote the general welfare of the society known as the "Ancient Order of Hibernians," and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be filed with the secretary of state, and thereupon the persons, who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal, of suing and being sued, and they and their successors may have a common seal which may be changed and altered at their pleasure, provided that the value of such real and personal estate, shall not exceed the sum of one hundred thousand dollars, and that they may and their successors shall have authority and power to give, grant, sell, lease, mortgage and dispose of said real and personal estate or any part thereof at their will and pleasure, and the proceeds thereof, rents and incomes therefrom, shall be devoted exclusively to the humane and benevolent purposes of the Ancient Order of Hibernians of the state of Michigan. Copy of articles to be filed with secretary of state.

Power and
authority of
corporation.

SEC. 4. Said corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation, according to the laws of this state and the United States, and to designate, elect or appoint from its members such officers under such name and style as shall be in accordance with the constitution of said order.

Copy of record of
articles evidence.

SEC. 5. A copy of the record of such articles of association under the seal of the state, duly certified according to law, shall be received as *prima facie* evidence in all courts of this state of the existence and due incorporation of such corporation.

Subordinate
divisions may be
chartered.

SEC. 6. Such corporation when duly formed, shall have power to institute and charter subordinate divisions within this State, and from time to time to make, ordain, constitute and establish such constitution, general laws and by-laws, ordinances and regulations as the state convention shall judge proper for the regulations and government of such subordinate division, not repugnant to the laws of this state: *Provided*, That the existing subordinate divisions heretofore duly chartered by the state convention, shall be subject to the control of the state conventions under this act as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the corporation or persons associating in the first instance, shall by death, resignation or for other causes, under the rules of the state convention become ineligible to act in such capacity, their successors may from time to time be appointed by the state division.

Proviso.

Proviso.

Members of sub-
ordinate divi-
sions may become
incorporated.

SEC. 7. Any five or more persons resident of this state, being members of a subordinate division of the "Ancient Order of Hibernians" having been duly chartered by the state convention desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association under the seal of the county where the said record is kept shall be received as *prima facie* evidence in all courts of this state of the existence and due incorporation of such corporation, provided that said corporation shall be limited to the powers and provisions of section three of this act regarding real and personal estate and the proceeds thereof under the rules and regulations of the state convention, and may elect or appoint from among its

Articles of asso-
ciation, where
recorded.

Powers.

Copy of record
evidence.

members such officers under such name and style as shall be in accordance with its constitution.

SEC. 8. The location of the business office of the state convention may be changed at any time upon filing a written notice of such change in the office of the secretary of state within twenty days from the time of the change of such location, and any subordinate division may change the location of its business office upon filing a like notice in the office of the clerk of the county where such corporation is organized. Location of business office.

SEC. 9. This act shall take immediate effect.

Approved May 20, 1879.

[No. 85.]

AN ACT to amend section one of an act entitled "An act to amend an act entitled 'An act to provide for the floating of logs and timber [timbers] in the streams of this state,' approved March sixteenth, eighteen hundred and sixty-one, and being consecutive section sixteen hundred and sixty of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "An act to provide for the floating of logs and timber in [the] streams of this state," approved March sixteenth, eighteen hundred and sixty-one, be so amended as to read as follows: That if any person or persons shall put or cause to be put into any lake, river, creek or stream of this state, any logs, timber or lumber for the purpose of floating the same to the place of manufacture or market, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber or lumber in or upon such lake, river, creek or stream, or for running or clearing the same from the banks or shores thereof, or for running or driving the same, and shall thereby hinder the removal of any logs from the banks or shores thereof, or shall thereby obstruct the floating or navigation of such lake, river, creek, or stream, it shall be lawful for any other person, company, or corporation engaged in floating or running logs, timber or lumber in such lake, river, creek or stream so obstructed, to cause such jams to be broken, and such logs, timber, or lumber to be run, driven and cleared from the banks of such lake, river, creek, or stream at the cost and expense of the person or persons owning such logs, timber or lumber; and such owner shall be liable to such person, company or corporation for such cost and expense, and such company, person, or corporation so causing such jams to be broken, or such logs, timber or lumber to be run, driven or cleared, may have a lien on such logs, timber, or lumber for his or their reasonable charges and expenses for breaking jams and running, driving and clearing the same, and shall be entitled to take and retain possession of such logs, timber or lumber wherever the same may be found, or so much thereof as may be necessary to

Section amended.

Obstructions to streams, etc., how removed.

Liability of owner.

Lien on logs, etc.

satisfy the amount of such charges and expenses and all costs thereon until the same shall be determined, satisfied and paid in the manner hereinafter prescribed.

SEC. 2. This act shall take immediate effect.

Approved May 20, 1879.

[No. 86.]

AN ACT to amend section two of an act entitled an act to provide for the settlement and drainage of the swamp lands by actual settlers, approved February fifteenth, eighteen hundred and fifty-nine, being compiler's section three thousand nine hundred and seventy-nine in chapter one hundred and forty-four of the compiled laws of eighteen hundred and seventy-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, eighteen hundred and fifty, being compiler's section three thousand nine hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Settler to file
application.

SEC. 2. Before any such settler or occupant shall acquire the right to occupy or drain any of the swamp lands pursuant to the provisions of the preceding section, he shall file with said commissioner his application, under oath, for the privilege of entering upon said land, specifying the same for the purposes mentioned above, and upon payment of a fee of two dollars, which said fee shall be paid into the state treasury by said commissioner and credited to the general fund, shall obtain from the commissioner a license to enter upon and occupy and drain said lands for the purpose of obtaining title thereto. And the state treasurer, upon the certificate of the commissioner of the state land office and warrant of the auditor general, shall refund the sum of two dollars to each settler having paid said fee, who shall receive a patent from the state for the land so licensed.

Payment of fee.

Treasurer to
refund when
patent issued.

SEC. 2. This act shall take immediate effect.

Approved May 21, 1879.

[No. 87.]

AN ACT to amend section thirteen of article two, of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or

operating any railroad in this state," approved May first, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section thirteen of article two of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 13. Every company which shall have unclaimed freight, Sale of unclaimed baggage, etc.
 not perishable, or unclaimed baggage in its possession for a period of one year or more, may sell the same at public auction, and out of the proceeds may retain the charge of transportation and storage thereof and the expense of advertising and sale thereof. Notice of sale. Notice of such sale shall be given to the consignor and consignee, by mailing to the same addressed to the consignor at the post office of the place where the articles were delivered to the company, and addressed to the consignee at the post office of the place to which the goods were to be carried, and shall be published at least once in each week for four successive weeks in a newspaper published in the city, township or village in which the general offices of such company are located, if the general offices of such company are located in this state, if not so located, then such notice shall be published in some newspaper published in a principal city or village in this state, located on the line of such railroad; and in all such cases such sale shall take place in this state, which notice shall specify the time and place of such sale, and also the name of the consignee of such freight or baggage, if known, and a general description thereof, and the name of the station or depot to which said freight or baggage is consigned; and the expense of such Expense of notice lien on baggage, etc. advertising shall be a lien on such freight or baggage, in a suitable proportion, according to the value of each article, package or parcel, if more than one. In case such unclaimed freight or baggage shall be in its nature perishable, then the same may be sold as soon as Sale of perishable freight, etc. may be, after giving notice of such sale as the nature of the case will permit in the city, township or village where the same may be. Such company shall make a record of the balance of the proceeds of the sale, if any, of the freight or baggage owned by or consigned to each person as near as can be ascertained, and at any time within two years thereafter shall refund any surplus so retained to the owner of such freight or baggage, his heirs, executors, Record of proceeds. administrators or assigns, on satisfactory proof of such ownership. Surplus refunded to owner.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 88.]

AN ACT to amend section four thousand nine hundred and forty-six of the compiled laws of eighteen hundred and seventy-one, being section ten of chapter one hundred and seventy-five, relative to circuit courts.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand nine hundred and forty-six, being section ten of chapter one hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, relative to circuit courts, be and the same is hereby amended so as to read as follows:

When change of
venue may be
made.

(4946.) SEC. 10. Each of the said courts, upon good cause shown, may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried; and the court to which such cause shall be so removed shall proceed to hear, try, and determine the same, and execution may thereupon be had in the same manner as if the same had been originally prosecuted in their county, except that in all criminal causes, when the defendant shall be convicted and be sentenced to imprisonment in a common jail (or to pay a fine, or to both such imprisonment and fine), the court awarding such sentence shall have authority to direct and shall direct, that the defendant be imprisoned in the common jail of the county in which such prosecution commenced; and that such fine when paid shall be paid over to the county treasurer of the county in which such prosecution commenced, in the same manner as is now provided by law for paying over fines to county treasurers; and in every criminal case where a change of venue is ordered, all expenses of such trial shall be a charge upon the county in which the prosecution originated; and when there shall be a disagreement of the jury on the trial of any criminal cause, in the circuit court to which such cause was ordered for trial, the circuit judge before whom the same was tried, if he shall deem that the public good requires the same, may, upon cause shown by either party, order and direct the issue to be tried in the circuit court of another county in the state; and the court to which such cause shall be removed shall proceed to hear, try, and determine the same in the same manner and with like effect as was pursued by the circuit court making such order.

How execution
may be had.

Fines, to whom
paid.

Expense of trial,
how paid.

When judge may
order new trial.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 89.]

AN ACT to authorize the board of control of state swamp lands to appropriate two sections of swamp land to repair and make pas-

sable the state road bridge, in Pere Marquette township, in Mason county.

SECTION 1. *The People of the State of Michigan enact, That* Board of control authorized to appropriate land.
to repair and make passable the state road bridge over Pere Marquette lake in Pere Marquette township, in Mason county, the board of control of state swamp lands are hereby authorized and empowered to appropriate two sections of state swamp lands in the Lower Peninsula, not otherwise appropriated; said appropriation to be expended under the direction of said board of control. How expended.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 90.]

AN ACT to authorize and empower the board of control of state swamp lands to make appropriations of state swamp lands to complete and make passable the Alpena and Long Lake state road.

SECTION 1. *The People of the State of Michigan enact, That* Board of control authorized to appropriate land.
to complete and make passable the Alpena and Long Lake state road, and for the purpose of drainage and reclamation, the board of control of state swamp lands, are hereby authorized and empowered to appropriate not to exceed one section of state swamp lands per mile; such lands to be selected from the vacant swamp lands within the counties of Alpena and Montmorency, and said appropriation to be expended under the direction of said board of control. Where lands to be selected.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 91.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation of state swamp lands to aid in the construction of a state road from Bear Lake, in Manistee county, to Sherman, in Wexford county.

SECTION 1. *The People of the State of Michigan enact, That* Line of road.
to aid in the construction of a state road to be called the Bear Lake and Sherman state road, beginning at a point where the town line between towns twenty-three and twenty-four north, strikes Bear Lake on the east side of said lake, in Manistee county, thence on the most direct and feasible route to the northeast corner of section one, in town twenty-three north, range twelve west, being in the village of Sherman, Wexford county, Michigan. And for the purpose of drainage and reclamation, the board of control of state swamp lands are hereby authorized and empowered to appropriate Board may appropriate land.

Where lands to
be selected.

not to exceed two sections of state swamp lands per mile, for the construction and completion of the said road as above designated; such lands to be selected from any vacant state swamp lands in the Lower Peninsula, and said appropriation to be expended under the direction of said board of control.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 92.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation of state swamp lands in the construction of the Thunder Bay branch of the Alpena and Duncan City state road.

Line of road.

SECTION 1. *The People of the State of Michigan enact*, That to aid in the construction of a state road to be called the Thunder Bay branch of the Alpena and Duncan City state road, beginning at the southwest section corner of section thirty-five, township thirty-four north, of range five east, thence south on section line three miles, thence west on section line three miles, thence south on section line three miles, and for the purpose of drainage and reclamation, the board of control of state swamp lands are hereby authorized and empowered to appropriate two sections of state swamp land per mile, or so much thereof as may be necessary for the building of the said road as above designated, such lands to be selected from any vacant state swamp lands within the counties of Alpena and Presque Isle, and said appropriation to be expended under the direction of said board of control.

Board may
appropriate land.

Where lands to
be selected.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 93.]

AN ACT to authorize the board of control of the state swamp lands to make an appropriation of state swamp lands in the construction of Ocqueoc branch of the Duncan City and Alpena state road, in Presque Isle county.

Line of road.

SECTION 1. *The People of the State of Michigan enact*, That to aid in the construction of a state road to be called the Ocqueoc branch of the Duncan City and Alpena state road, commencing at southwest corner of section twenty-eight, township thirty-six north, of three east, thence south on section line thirteen miles to southwest corner of section thirty-three, town thirty-four north, range three east, and for the purpose of drainage and reclamation the board of control of state swamp lands are hereby authorized and empowered to appropriate two sections of swamp lands per mile for the building of said road as above described, such lands to be

Board may
appropriate land.

selected from any vacant swamp lands within the counties of Alpena and Presque Isle, and appropriation to be expended under the directions of said board of control. Where lands to be selected.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 94.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to complete the Tawas and Manistee state road from West Branch.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands are hereby authorized to appropriate so many acres of state swamp lands in the Lower Peninsula, as they may deem proper after a full examination of its merits, not exceeding two sections per mile, to aid in completing that part of the Tawas and Manistee state road, commencing at the nineteenth mile-post, and running thence westerly on the line of said road to the twenty-fifth mile-post, and being sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, according to commissioner's survey thereof: Board of control authorized to appropriate land. *Provided*, That said road shall be completed in pursuance of the provisions of law relating to state swamp land roads. Line of road. Proviso.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 95.]

AN ACT to authorize and empower the board of control of state swamp lands to make an appropriation of state swamp land for the construction of the Petoskey and Gaylord state road.

SECTION 1. *The People of the State of Michigan enact*, That to build and construct a state road beginning at some point in the immediate vicinity of Petoskey, in the county of Emmet, thence in a southerly direction through the village of Berryville to the village of Gaylord, in the county of Otsego, and for the purpose of drainage and reclamation, the board of control of the state of Michigan, are hereby authorized to appropriate not to exceed two sections of state swamp land per mile in constructing said road hereinbefore described, and said appropriation to be expended under the direction of said board of control. Line of road. Board may appropriate land.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 96.]

AN ACT to authorize the allowance of injunctions by circuit judges of adjoining judicial districts in certain cases.

Judges of adjoining circuits authorized to allow injunction, etc.

Jurisdiction when injunction allowed.

SECTION 1. *The People of the State of Michigan enact*, That in case the circuit judge of any circuit, and the other officers of any county authorized to grant injunctions, are absent, sick, or in any manner disqualified from ordering or allowing an injunction in any case pending or about to be commenced in such circuit or county, upon due proofs of such facts by affidavit, the circuit judge of any judicial district adjoining the judicial district in which said circuit or county is situated, shall have authority at chambers or at any place where he may be, to grant or deny such injunction the same as if he were the circuit judge of the circuit in which such suit is pending or about to be commenced, and after such injunction is allowed, as aforesaid, the judge ordering the same shall have concurrent jurisdiction to modify or dissolve the same with the presiding judge of the circuit wherein such suit is pending.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 97.]

AN ACT to amend sections five and thirteen of an act entitled "An act to provide for a municipal court in the city of Detroit, to be called 'the Superior Court of Detroit,'" approved March twenty-eighth, eighteen hundred and seventy-three, and to amend section nineteen of said act, as amended by an act entitled "An act to amend sections seven, eleven, fifteen, sixteen, nineteen, twenty, twenty-two, and twenty-three of an act entitled 'An act to provide for a municipal court of the city of Detroit, to be called the Superior Court of Detroit,' approved March twenty-eighth, eighteen hundred and seventy-three, and to add six new sections thereto to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine," approved February fourth, eighteen hundred and seventy-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five and thirteen of an act entitled "An act to provide a municipal court in the city of Detroit to be called 'the Superior Court of Detroit,'" approved March twenty-eighth, eighteen hundred and seventy-three, and section nineteen of said act as amended by an act entitled "An act to amend sections seven, eleven, fifteen, sixteen, nineteen, twenty, twenty-two, and twenty-three of an act entitled 'An act to provide for a municipal court of the city of Detroit, to be called the Superior Court of Detroit,' approved March twenty-eighth, eighteen hundred and seventy-three, and to add six new sections thereto to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,

and twenty-nine, approved February fourth, eighteen hundred and seventy-five," be and the same are hereby amended so as to read as follows, viz. :

SEC. 5. In case of the absence from the city of the judge of said court, inability to attend, incapacity to try any cause pending in said court, or a vacancy in his office, the recorder of said city shall act as the judge of said court; and as such judge shall have and exercise all the powers and duties of the judge of said court until he shall resume his office, or such vacancy be filled. The judge of said superior court may act as judge of the recorder's court whenever requested so to do by the recorder, or in the absence, sickness, or incapacity of said recorder, or when there is a vacancy in the office of recorder. The common council of said city shall cause an election to be held in said city to fill any vacancy in the office of judge of the superior court, the same as provided by the charter of said city, in case of vacancy in the office of mayor thereof.

When recorder may act as judge.

Judge may act as judge of recorder's court.

Filling vacancy in office of judge of superior court.

SEC. 13. The said superior court shall have original and concurrent jurisdiction with the circuit court for the county of Wayne in all civil actions of a transitory nature where the debt or damages shall exceed the sum of one hundred dollars, in which

Jurisdiction of court.

First, Both parties reside in the city of Detroit;

Second, In which the plaintiffs, or one of them, reside in the city of Detroit, and the defendants, or one of them, if there be more than one, shall have been served with a copy of the declaration, or with process in the city of Detroit;

Third, In which the defendants, or one of them, reside in said city and is served with a copy of the declaration, or with process in said city; or

Fourth, In which the plaintiff, or one of the plaintiffs, resides in the city of Detroit, and the defendants, or one of them, shall be served with a copy of declaration or with process in the county of Wayne. Said court shall also have jurisdiction of all actions of trespass *quare clausum* for injuries committed upon any land situated in the city of Detroit; all actions of ejectment for the possession of land situated in said city; all actions commenced by attachment against non-residents, where the property attached is at the time of the attachment in the city of Detroit; and the same jurisdiction as the circuit court for the county of Wayne in all cases in equity in which any complainant or defendant shall be a resident of the city of Detroit, or in which the subject matter of the suit shall be situated or located in said city, in all cases in which the defendant shall reside in said city, and in all cases of foreclosure of mortgages upon land situated in said city.

SEC. 19. On the first days of June and December in each year, between the hours of ten and twelve o'clock in the forenoon, the assessor of the city of Detroit, the clerk of said court, and the sheriff of the county of Wayne, shall meet together in the office of the said assessor in said city, and shall then proceed in public to select from the last annual ward assessment rolls of said city (which rolls the custodian shall produce before them) a list of

Selection of jurors.

Qualifications.	three hundred persons to serve as jurors in said court—the persons so selected to be qualified electors of said city, of fair character, of sound mind, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessor, clerk, and sheriff, if they all be present and assist in the making thereof: <i>Provided</i> , That any two of them shall be authorized to select such list and sign the same in the absence of the third: <i>And provided further</i> , That in the absence of any one of them the other two shall adjourn from day to day until the fifth day from the said first days of June and December, when they shall proceed to make and sign said list: <i>Provided further</i> , That if said list is not selected within the time above limited, or if for any reason a legal list shall not have been made, the judge of said court may by his order, entered of record in said court, command the said assessor, clerk and sheriff to proceed forthwith to select said list, and sign and file the same. When the list is selected and signed as aforesaid it shall be filed by the officers signing the same in the office of the clerk of said court, and the said assessor or the said clerk shall file with said list an affidavit that it has been drawn in accordance with the foregoing provisions. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for six months, or until a new list is selected. The practice and proceedings in said court, except as provided in this section, relative to drawing, summoning, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the recorder's court of said city, as prescribed by sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven of chapter six of "an act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven: <i>Provided</i> , That the judge of said superior court shall have power to order the drawing of more than twenty-four jurors when he shall deem it necessary, not to exceed thirty jurors at any term.
List of jurors, by whom signed.	
Proviso.	
Proviso—judge may order list made.	
Where list filed.	
Jurors selected liable to serve six months.	
Drawing, etc., same as in recorder's court.	
Proviso—limit of number to be drawn at any term.	
How talesmen drawn, etc.	
Who disqualified from serving.	
Cause of challenge.	

SEC. 2. This act shall take immediate effect.

Approved May 22, 1879.

[No. 98.]

AN ACT to amend sections sixteen and seventeen of an act entitled "An act to establish the Detroit house of correction," approved March fifteenth, eighteen hundred and sixty-one, being chapter two hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one, and to add one new section thereto to stand as section twenty-one.

SECTION 1. *The People of the State of Michigan enact, That* sections sixteen and seventeen of chapter two hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's sections eight thousand one hundred and sixty and eight thousand one hundred and sixty-one, be and the same are hereby amended so as to read as follows:

(8160.) SEC. 16. The board of auditors for the county of Wayne shall have full power and authority to enter into an agreement with the common council of the city of Detroit, or with any authorized agent or officer in behalf of said city, to receive and keep in the Detroit house of correction any person or persons who may be sentenced to confinement in said house of correction by any court or magistrate in said county of Wayne, for the offenses in this section hereafter mentioned. Whenever such agreement shall have been made, it shall be the duty of the board of auditors for said county to give public notice, in some newspaper published within said county, for a period of not less than four weeks, and such notice shall state the period of time that such agreement will remain in force. Upon the making of such agreement, it shall be the duty of every court or magistrate in the said county of Wayne, authorized by law to sentence or commit any person to the county jail of said county as vagrants, common drunkards, disorderly persons, common prostitutes, or for assault and battery, petit larceny or other offenses punishable by imprisonment in the county jail, or by virtue of any final sentence or conviction, except for contempt, to sentence such person to be confined in the said house of correction, there to be received, kept and employed according to law, under the rules and regulations of said house of correction. And it shall be the duty of all officers having the execution of the final process of any court or magistrate sentencing convicted persons to said house of correction, to cause such convicts to be conveyed forthwith to said house of correction, and such officer or officers shall be paid therefor the fees allowed by law for conveying persons to the county jail; but this section shall not apply to those juvenile offenders who by law may be sent to the reform school at Lansing.

(8161.) SEC. 17. It shall be lawful for any justice of the peace, police justice or other magistrate having jurisdiction thereof, in the county of Wayne (when such agreement shall have been made), or in any other county having an agreement with the authorities of the city of Detroit for the confinement and maintenance of convicted persons in said house of correction, in all cases of complaints for vagrancy, to commit any person, except such juvenile offenders as are mentioned in the last preceding section, convicted

Sections amended.

Agreement with common council for keeping prisoners.

Notice of agreement to be published.

Duty of courts in making sentence.

Officers to convey prisoners to house of correction.

Fees.

Section not to apply to juvenile offenders.

When justices to commit to house of correction.

on such complaint before such justice or magistrate, to said house of correction, for a term not exceeding six months.

Act amended.

SEC. 2. That act number two hundred and sixty-four of the session laws of eighteen hundred and sixty-one, entitled "An act to establish the Detroit house of correction and authorize the confinement of convicted persons therein," approved March fifteenth, eighteen hundred and sixty-one, be amended by adding a new section thereto, to stand as section twenty-one, and to read as follows:

Claims for keeping convicted persons, how adjusted.

SEC. 21. The board of auditors of the county of Wayne and the common council of the city of Detroit shall have full power and authority to settle and adjust, on such terms as shall be agreed upon, any and all claims or demands of the city of Detroit against the said county of Wayne for the board and expense of keeping convicted persons in the Detroit house of correction, committed thereto by any officer or magistrate in said county of Wayne, within or without the limits of said city of Detroit, at any time prior to the time this act shall take effect.

SEC. 3. This act shall take immediate effect.

Approved May 23, 1879.

[No. 99.]

AN ACT to appropriate four thousand acres of any state swamp lands to drain Gun marsh, in the townships of Martin and Gun Plain, in Allegan county, and Orangeville, in Barry county.

Appropriation of lands authorized.

For dredging Gun river.

Provided.

SECTION 1. *The People of the State of Michigan enact*, That the state board of control of state swamp lands are hereby authorized to appropriate as many acres of state swamp lands in the Lower Peninsula, not exceeding four thousand acres, as they may deem proper after full investigation of its merits, for the purpose of clearing out, straightening, and dredging Gun river, through the townships of Martin and Gun Plain, in Allegan county, and Orangeville, in Barry county, in this state: *Provided*, That such work be done, and such expenditure be made in pursuance of the provisions of law in relation to the construction of swamp land roads and ditches, under the supervision of the swamp land commissioner and state board of control of state swamp lands.

SEC. 2. This act shall take immediate effect.

Approved May 23, 1879.

[No. 100.]

AN ACT to amend sections twenty-six, twenty-eight, and twenty-nine of act number one hundred and forty-seven of the session laws of eighteen hundred and seventy-seven, entitled "An act to revise and amend sections six, eleven, thirteen, nineteen, and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids, to be called the superior

court of Grand Rapids,''' being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-six, twenty-eight, and twenty-nine of act number one hundred and forty-seven of the session laws of eighteen hundred and seventy-seven, entitled "An act to revise and amend sections six, eleven, thirteen, nineteen, and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids,''' being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine, be and hereby are amended so as to be and read as follows:

SEC. 26. It shall be the duty of said stenographer to attend upon the court during each sitting of said court, during each term thereof, and to take full stenographic notes of all testimony given and proceedings had upon the trial of each issue of fact before the court or jury; said stenographer shall receive such salary, not to exceed twelve hundred dollars per annum, in monthly installments, as may be fixed by the common council, to be paid from the general fund, in the same manner as other demands against the city.

SEC. 28. It shall be the duty of the said stenographer, upon the order of the court, to write out in legible English, a full copy of the notes taken by him on the trial of any cause, without fee or charge, and file the same with the clerk of said court, for the use of the court and the parties to said cause, and such copy shall be made and filed within such time as the court shall order.

SEC. 29. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him, written out in legible English, to any party who may request the same; and he shall be entitled to demand and receive therefor not to exceed eight cents for each folio of one hundred words.

SEC. 2. This act shall take immediate effect.

Approved May 23, 1879.

[No. 101.]

AN ACT to authorize and empower the board of control of state swamp lands, to make an appropriation of state swamp lands to drain and reclaim certain swamp and overflowed lands in town eight north, of range two east, being the town of Rush, Shiawassee county.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands of this state, are

Provided.

hereby authorized and empowered to appropriate not to exceed six sections of state swamp lands in the lower peninsula, not otherwise appropriated, or so much thereof as they may deem necessary, after a full investigation of its merits, for the purpose of constructing a ditch or ditches, and outlets, to aid in draining and reclaiming the open swamps and overflowed lands situate and being in the township of Rush, Shiawassee county in this State: *Provided*, That such ditch or outlet shall be constructed, and said expenditure be made in pursuance of the provisions of law relative to the construction of swamp land state roads and ditches, under the supervision of the state swamp land commissoiner and said board of control.

SEC. 2. This act shall take immediate effect.

Approved May 23, 1879.

[No. 102.]

AN ACT to amend consecutive section four hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one, as amended by act number eighty-eight of the session laws of eighteen hundred and seventy-three, and to repeal act number seventy-four of the session laws of eighteen hundred and seventy-seven, relative to the compensation of supervisors.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number eighty-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to amend section thirty, chapter ten, being section four hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one, entitled 'Boards of Supervisors,'" approved April fifteenth, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Compensation of supervisors.

(496.) SEC. 30. Each member of such board of supervisors shall be allowed a compensation of three dollars per day for his services and expenses in attending the meetings of said board, and six cents a mile for each mile necessarily traveled in going to and returning from the place of such meeting, to be audited by the board, and paid by the county; which compensation of three dollars per day shall extend to and be allowed for the first twelve days only of any continuous regular session, and six days only for an adjourned session of said board, and for the first three days only of any special session of said board, of which special session there shall be no more than two in any one official year, which said amount shall be in full for all services rendered and expenses in attending the meetings of such board of supervisors and for all services and expenses incurred while acting upon any committee of said board of supervisors, during the session of said board, and any supervisor receiving further or other compensation for such services shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred

Time for which compensation allowed.

Penalty for receiving extra pay.

dollars nor more than five hundred dollars: *Provided*, The supervisors of Wayne and Saginaw counties shall only receive three dollars per day for the first fifteen days of any regular session, and the like sum of three dollars per day for the first three days of any extra session, of which there shall not be more than two in any one year, the same mileage to be allowed as is provided for in the regular session [sessions], which said amount shall be in full for all services and expenses in attending the meetings of such board of supervisors, and any supervisor receiving any other or further compensation for such services shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Provide as to Wayne and Saginaw counties.

SEC. 2. That act number seventy-four of the session laws of eighteen hundred and seventy-seven entitled "An act to limit the pay of supervisors while in attendance upon any special meeting of the board of supervisors," approved April twenty-sixth, eighteen hundred and seventy-seven, be and the same is hereby repealed.

Act repealed.

SEC. 3. This act shall take immediate effect.

Approved May 24, 1879.

[No. 103.]

AN ACT to amend sections twenty-three, forty-two and forty-six of act number one hundred and ninety-four of the session laws of eighteen hundred and seventy-seven, being "An act to provide for the organization, regulation and management of the asylums for the insane, and effectually to provide for the care, maintenance and recovery of the insane," approved May twenty-second, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-three, forty-two and forty-six of act number one hundred and ninety-four of the session laws of eighteen hundred and seventy-seven be and are hereby amended so as to read as follows:

Sections amended.

SEC. 23. The county superintendents of the poor of any county, or any supervisor of any city or town to which a person who shall become insane may be chargeable, by reason of being a pauper, shall make application to the probate judge of said county, who shall proceed to inquire into the question of the insanity of said person, and for the purpose of such inquiry shall call and may compel the attendance of one or more respectable physicians and such other witnesses as he may deem necessary; and if satisfied of the insanity of said person, said probate judge shall make the same certificate and order for admission into the insane asylum, and the same record and report as are required to be made by section twenty-six of this act, in the case of an insane person in indigent circumstances.

Proceedings for sending insane persons who are paupers, to asylum.

SEC. 42. Whenever an indigent insane person or an insane pauper has been sent to the asylum by order of a probate judge as having

Expenses for support when residence is uncertain, how determined.

gained a legal settlement in some county of this state other than that in which such judge resides, the treasurer of the asylum shall, within ten days after such person has been admitted, give notice to the superintendent of the poor of the county to which it is alleged that such indigent insane person or insane pauper belongs of the facts in the case, and that the expenses of the support of such person shall [will] be charged to that county, unless such superintendents shall within such time as the treasurer may appoint, not less than twenty days nor more than thirty days thereafter, show that such county ought not to be so charged; and on application, said treasurer shall examine the matter, and hear all the testimony in relation thereto, and shall decide the question, which decision shall be final, unless an appeal shall be taken from such decision within sixty days to the circuit court of the county so charged by such treasurer with such support, and said court shall have full power to hear, try and determine the matter. The prosecuting attorney of the proper county, on demand of the superintendents of the poor, is hereby authorized to take the appeal.

Judge of probate to inquire into legal settlement of indigent insane, etc.

SEC. 46. When an indigent insane person or an insane pauper shall be brought before a judge of probate for examination, as provided in sections twenty-three and twenty-six of this act, such judge shall also inquire into the settlement of such insane person, and if it shall appear that such insane person is in indigent circumstances and has not sufficient means for his support, or is a pauper and has not a legal settlement in the county of such judge, but has gained a legal settlement in some other county of this state, according to the provisions of sections eighteen hundred and forty-eight and eighteen hundred and forty-nine of the compiled laws, said judge shall make two statements of his proceedings and decision, and shall certify to the correctness thereof under the seal of the probate court, and transmit one copy, with the other proceedings, to the treasurer of the asylum, who shall preserve the same in his office, which statement shall be admitted as *prima facie* evidence of the matter therein stated in any hearing that may be had before said treasurer in relation thereto, and shall file the other copy with the county clerk of his county. The probate judge shall have the same powers in determining the settlement of any [an] indigent insane person or an insane pauper as is conferred upon him in section twenty-six of this act. If, on the examination herein provided for, it shall satisfactorily appear that the said insane person, indigent or pauper, has not acquired a legal settlement in any county in this state, the judge of probate shall forward a certified copy of all the testimony in the case to the secretary of state. The bills for the maintenance of such insane person shall be rendered quarterly to the auditor general, at the same time and in the same manner as bills are rendered to county treasurers, and shall be paid to the treasurer of the asylum in which the insane person is maintained by the state treasurer, on the warrant of the auditor general, out of any moneys belonging to the general fund. It shall be the duty of the secretary of state to ascertain, if possible, through the testimony filed or otherwise, the actual residence of such insane

Statements relative thereto.

When legal settlement has not been acquired.

Payment of bills.

Secretary of state to ascertain residence, etc.

person, return him thereto, and request reimbursement for all expenses incurred by the state, the expenses attending such return to be settled by the board of state auditors.

SEC. 2. All acts or parts of acts inconsistent with this act are ~~Acts repealed~~ hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved May 24, 1879.

[No. 104.]

AN ACT making appropriations for the finishing, furnishing, and building needed at the eastern asylum for the insane at Pontiac.

SECTION 1. *The People of the State of Michigan enact*, That ^{Appropriation.} there be and hereby is appropriated out of the state treasury to the eastern asylum for the insane at Pontiac, twenty-three thousand two hundred and nine dollars, as follows, viz.:

Additional furnishing of center building, one thousand one hundred and twenty dollars. ^{For what purpose.}

Additional furnishing for wards and dormitories, four thousand three hundred and forty-one dollars.

Furnishing chapel, six hundred and forty-three dollars.

Furnishing kitchen and bakery, one thousand two hundred and sixty-four dollars.

For machinery in work-shop, four hundred dollars.

For coal house and track scales, three thousand four hundred and forty dollars.

Finishing basement, four hundred dollars.

Additional fire protection, one thousand four hundred dollars.

For grading, draining, fencing, trees, avenues, courts, and walks, four thousand two hundred dollars.

For barns, farm-house, and out-buildings, two thousand and fifty dollars.

For carriage team, harness, carriage, single sleigh, robes, blankets, whips, and express wagon, seven hundred and fifty dollars.

For gate house with special room, eight hundred dollars.

For laundry, one thousand two hundred and one dollars.

For scientific instruments, two hundred dollars.

For musical instruments, one thousand dollars.

SEC. 2. There shall be assessed upon the taxable property of the state, in the year eighteen hundred and seventy-nine, the sum of twenty-three thousand two hundred and nine dollars, which shall be assessed, levied, and collected in the same manner as other state taxes are, by law, assessed, levied, and collected, which tax, when collected, shall be credited up to the general fund to reimburse the same for the amounts drawn therefrom, as provided in section one of this act. ^{To be assessed as state tax.}

SEC. 3. The [That] moneys appropriated hereby may be drawn from the state treasury upon the warrant of the auditor general, in such sums and at such times as shall be made to appear to him ^{How money drawn.}

How accounted for. necessary; they shall be expended only for the purposes specified, and their receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

SEC. 4. This act shall take immediate effect.

Approved May 27, 1879.

[No. 105.]

AN ACT making appropriations for the maintenance of patients at the eastern asylum for the insane, and for other current expenses of the same.

Appropriation. SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand dollars be and is hereby appropriated out of the state treasury to the eastern asylum for the insane for the maintenance of patients and other current expenses for the fiscal year eighteen hundred and seventy-nine.

To be assessed as state tax. SEC. 2. There shall be assessed upon the taxable property of the state, in the year eighteen hundred and seventy-nine, the sum of ten thousand dollars, which shall be assessed, levied, and collected in the same manner as other state taxes are by law assessed, levied, and collected, which tax, when collected, shall be credited up to the general fund to reimburse the same for the amount drawn therefrom as provided in section one of this act.

How money drawn. SEC. 3. That the moneys appropriated hereby may be drawn from the state treasury upon the warrant of the auditor general in such sums and at such times as shall be made to appear to him necessary; they shall be expended only for the purposes specified, and their receipt and disbursement shall be accounted for by duplicate vouchers, and monthly accounts current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

How accounted for. SEC. 4. This act shall take immediate effect.

Approved May 27, 1879.

[No. 106.]

AN ACT making an appropriation for the state house of correction and reformatory at Ionia.

Appropriation. SECTION 1. *The People of the State of Michigan enact*, That the sum of eight thousand six hundred dollars be and the same is hereby appropriated for the state house of correction and reformatory at Ionia, to be expended for the following purposes, to wit:

How expended. For furnishing three hundred and twelve cells, three thousand four hundred and thirty-two dollars;

For two hundred and twelve stools for dining room, one hundred and twenty-four dollars;

For fifty-two tables, ninety-one dollars;

For two steam meat kettles, three hundred and seventy dollars;

For two steam vegetable kettles, ninety-two dollars;

For one coffee boiler, two hundred and seventy-five dollars;

For crockery, knives, forks, spoons, baking pans, copper kettles, etc., four hundred and fifty dollars;

For lathes, drill, shafting and tanners' tools, six hundred and fifty dollars;

For one engine room and smokestack, four hundred dollars;

For mains and steam pipes for heating shops, valves and manifolds, eight hundred dollars;

For building a fire-proof vault, three hundred dollars;

For building a bathing house, twelve hundred dollars;

For rebuilding ovens, four hundred and sixteen dollars.

SEC. 2. All moneys appropriated under this act shall be drawn and accounted for as provided by act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three, entitled "An act relating to the accounting for money received and expended by certain officers," approved April twenty-fourth, eighteen hundred and seventy-three.

How drawn.

SEC. 3. The auditor general is hereby authorized to draw from the general fund such amounts of money within this appropriation as fast as may be necessary to carry out the object thereof. The amount so drawn shall be considered as an advance upon the appropriation made by this act, and to be returned to the general fund when such taxes as are provided for in this act shall be paid into the state treasury.

Auditor general authorized to draw on general fund.

SEC. 4. The said aggregate of eight thousand six hundred dollars the auditor general shall add to and incorporate in the state tax for the year eighteen hundred and seventy-nine, which sum, when collected shall be passed to the credit of the general fund to indemnify the same for the appropriation made by section one of this act.

Amount to be incorporated in state tax.

SEC. 5. This act shall take immediate effect.

Approved May 27, 1879.

[No. 107.]

AN ACT making an appropriation for the support of the state agricultural college; to pay the expenses of the state board of agriculture; to erect certain buildings; and to make other improvements at the state agricultural college.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the state treasury the sum of four thousand nine hundred and seventy-one dollars and eighty cents for the year one thousand eight hundred and

Appropriation for expenses of college, etc.

seventy-nine, and the sum of four thousand nine hundred and seventy-one dollars and eighty cents for the year one thousand eight hundred and eighty, for the use and support of the state agricultural college, and to pay the current expenses of the state board of agriculture.

For professor's
dwelling house,
etc.

SEC. 2. There shall be and is hereby appropriated out of the state treasury the sum of three thousand dollars for the erection of a professor's dwelling house with furnace and barn, and for other expenses connected therewith; and six thousand dollars for the erection of a botanical laboratory, at the state agricultural college, which said sum [sums] embraced in this section shall be paid in the year one thousand eight hundred and seventy-nine.

For farmers'
institutes, etc.

SEC. 3. There shall be and is hereby appropriated out of the state treasury the sum of six hundred dollars for the expenses of farmers' institutes for the year one thousand eight hundred and seventy-nine, and one thousand eight hundred and eighty; six hundred dollars for insurance; two thousand dollars for the library of the state agricultural college; one thousand and twenty dollars for the department of mathematics and civil engineering; eight hundred dollars for the department of zoölogy and entomology; one thousand dollars for the chemical department; two thousand eight hundred and ten dollars for the horticultural department; four thousand and sixteen dollars and sixty-four cents for the farm department, and one thousand two hundred and ninety dollars for building [buildings] and repairs outside of the above named departments; said amounts embraced in this section aggregating fourteen thousand one hundred and thirty-six dollars and sixty-four cents, shall be paid, one-half of the same in the year one thousand eight hundred and seventy-nine, and one-half in the year one thousand eight hundred and eighty, which said moneys provided for in this act or so much thereof as may be necessary, shall be expended under the direction of the state board of agriculture for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of said board to the auditor general, and on his warrant to the state treasurer.

How and when
to be assessed.

SEC. 4. There shall be assessed upon the taxable property of the state in the year one thousand eight hundred and seventy-nine, the sum of twenty-one thousand and forty dollars and twelve cents, and in the year one thousand eight hundred and eighty, the further sum of twelve thousand and forty dollars and twelve cents, to be assessed and levied in like manner as other state taxes are by law levied, assessed and paid, which tax when collected shall be credited up to the general fund, to reimburse to the same the sum to be drawn therefrom as provided in this act, and any sums drawn from the treasury under the provisions of this act before the taxes herein authorized are collected, shall be returned when such taxes are collected.

SEC. 5. This act shall take immediate effect.

Approved May 27, 1879.

[No. 108.]

AN ACT making appropriation for the board of fish commissioners for the year eighteen hundred and seventy-nine and the year eighteen hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That Appropriation. the sum of five thousand dollars is hereby appropriated for the year eighteen hundred and seventy-nine, commencing July first, eighteen hundred and seventy-nine, and ending June thirtieth, eighteen hundred and eighty; and the sum of five thousand dollars for the year eighteen hundred and eighty, commencing July first, eighteen hundred and eighty, and ending June thirtieth, eighteen hundred and eighty-one, for the necessary expense incurred by the board of fish commissioners, which the state treasurer shall pay to the said board, on the warrant of the auditor general, from time to time, as their vouchers for such expenses shall be exhibited and approved: *Provided*, That not more than two hundred dollars per annum be applied for the use of water in the city of Detroit.

Proviso—amount to be applied for water in city of Detroit.

SEC. 2. The sum of five thousand dollars the auditor general shall add to and incorporate with the state tax for the year eighteen hundred and seventy-nine, and the further sum of five thousand dollars he shall add to and incorporate with the state tax of eighteen hundred and eighty, which sums, when collected, shall be paid into the treasury to reimburse the same for the amounts to be drawn as provided in section one of this act.

To be incorporated in state-tax.

SEC. 3. This act shall take immediate effect.

Approved May 27, 1879.

[No. 109.]

AN ACT to amend sections two and three of act number thirty of the session laws of eighteen hundred and seventy-five, approved March twelve, eighteen hundred and seventy-five, entitled "An act to provide for the exercise by religious societies of corporate powers for certain purposes."

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections two and three of act number thirty of the session laws of eighteen hundred and seventy-five, approved March twelfth, eighteen hundred and seventy-five, being "An act to provide for the exercise by religious societies of corporate powers for certain purposes," be and the same is hereby amended so as to be and read as follows:

SEC. 2. It shall be the duty of the officer presiding over such election to give to such trustees a certificate of their election under his hand and seal, specifying the name by which such trustees and their successors shall thereafter be known. Such certificate shall be acknowledged by the person making the same, before some officer authorized to take acknowledgments of deeds, which certificate and the acknowledgment thereof shall be recorded by the county

Certificate of election.

To be acknowledged.

To be recorded by county clerk.

Fees.	clerk of the county in which such meeting was held, in a book provided for such or similar purpose; such clerk shall be entitled to receive ten cents for each folio for recording the same; and thereafter such trustees and their successors shall be a body corporate by the name expressed in such certificate: they and their successors shall hold their offices for the term of one year, or until the organization or association first making such election elect others to succeed them; and a certified copy of the record of said certificate under the seal of the county clerk where the said record is made or kept shall be received as <i>prima facie</i> evidence of the due existence and incorporation of such association in all courts in this state.
Term of office.	
Copy of record <i>prima facie</i> evidence.	
Seal.	SEC. 3. Such trustees may have a common seal, and may alter the same at pleasure, and by their corporate name may take into their possession, hold, and enjoy all the property, real and personal, purchased for, devised, granted, or conveyed to them for the use and benefit of such religious organization; they may also, in such corporate name, sue and be sued in all courts, recover and hold all debts, demands, rights, and privileges, and when such organization shall so order by vote, at a meeting thereof, a majority of all the members composing such organization being present and voting therefor, such trustees may sell and convey, mortgage, or lease any real estate belonging to such organization, or held by them as such trustees. And in every case of sale, conveyance, or incumbrance of real estate, said trustees shall cause to be filed in the office of the register of deeds of the county in which such real estate is situated, a copy of the acts of said association authorizing such sale, conveyance, or incumbrance, duly certified by the secretary of said association, to be a true copy of said proceedings and the whole thereof; and said certified copy of said proceedings, with the said certificate, and the certificate mentioned in section two of this act, may be recorded in the office of register of deeds of the county where said real estate is situated. And when so recorded the said record or a certified copy thereof made by the said register of deeds aforesaid, shall be received as <i>prima facie</i> evidence of all the facts and acts of such association as appears in said record, in all courts in this state.
General powers.	
Conveyance of real estate, where filed or recorded.	
Copy of record evidence.	
	SEC. 2. This act shall take immediate effect. Approved May 27, 1879.

[No. 110.]

AN ACT to amend sections twelve, thirty-six, fifty-six, fifty-seven and fifty-eight of act number one hundred and seventy-six of the session laws of eighteen hundred and seventy-seven, being an act entitled "An act to regulate and govern the state house of correction and reformatory at Ionia," approved May twenty-second, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact, That*

sections twelve, thirty-six, fifty-six, fifty-seven and fifty-eight of act number one hundred and seventy-six of the session laws of eighteen hundred and seventy-seven, to regulate and govern the state house of correction and reformatory at Ionia, approved May twenty-second, eighteen hundred and seventy-seven, be amended so as to read as follows:

SEC. 12. From and after the time when the state house of correction shall have been opened for the reception of offenders, all courts having criminal jurisdiction in Michigan may sentence all male persons duly convicted of a felony before them, and who shall be at the time of sentence of the full age of sixteen years and not more than twenty-five years of age, and also all male persons duly convicted before them of a misdemeanor when the imprisonment shall not be less than ninety days, and also all persons duly convicted before them under the provisions of chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, in default of sureties for good behavior, to the said state house of correction: *Provided only*, That they shall sentence to the state prison at Jackson any male convicts within the ages of sixteen and twenty-five years, whom they shall sentence for life, or for crimes involving that penalty according to law, and such others, within the ages above limited, convicted of a felony, as in their discretion they shall deem best.

SEC. 36. There shall be paid monthly at the office of the state house of correction to the officers thereof, the following annual salaries, to wit: to the warden not to exceed fifteen hundred dollars. The warden shall, in addition to his salary, be allowed the use of such apartments as the managers shall provide; also fuel, light, and provisions for his family from stock provided for the institution. And no other officer or person employed in or about the institution shall be permitted to receive in any way, perquisites, emoluments or supplies other than the compensation allowed by law. The managers shall make all necessary regulations for the officers and employes being messaged and boarded in the institution at a price to be charged them, not more than the first cost thereof, and shall furnish rooms in a plain and substantial manner for lodging and supply provisions from the house of correction stock, which shall be prepared and cooked by the labor of the inmates and served at such time and place as the managers shall direct under the authority of the warden. To the deputy warden not to exceed one thousand dollars; to the treasurer, not to exceed five hundred dollars; to the clerk, not to exceed eight hundred dollars; to each of the keepers, not to exceed six hundred dollars; to the physician, not to exceed eight hundred dollars; to the chaplain, not to exceed one thousand dollars; to all other employes of the institution, shall be paid monthly such compensation as the managers shall deem just and shall direct.

SEC. 56. It shall be the duty of the sheriff or any other officer authorized by law to serve criminal processes of any county in which a convicted person shall be sentenced to the house of correction, as soon as practicable after the passing of sentence, to con-

Sections
amended.

What persons
may be sentenced
to institution.

Proviso—who to
be sentenced to
state prison.

Salaries of
officers.
Warden.

Regulations for
boarding at
institution.

Deputy warden,
treasurer, etc.

Officers to
promptly convey
prisoners sen-
tenced.

vey the person so sentenced thither and deliver him to the warden.

Court to furnish copy of sentence. SEC. 57. The court or magistrate imposing such sentence, shall in each case furnish to the sheriff or other proper officer, a certified copy of the sentence, which copy shall be delivered with the defendant to the warden or other proper officer of the said house of correction, and such copy shall be *prima facie* evidence against the convicted person in all proceedings for the release of said person by a writ of *habeas corpus* or otherwise.

Expenses of conveying, how paid. SEC. 58. The fees and actual expenses of the sheriffs or other proper officers in conveying persons to the house of correction, shall be presented in a bill containing the items thereof to the warden when the prisoner is delivered at the institution. The warden shall certify on the bill that the person has been received and the bill, including the sheriff's or officer's actual expenses in returning to the county from which the person sent, which shall be audited by the auditor general and paid from the state treasury. The sheriff or officer shall be authorized to include in the same bill the sum of three dollars per day for the time actually and necessarily employed in the said service.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 111.]

AN ACT authorizing the formation of bodies corporate to be known as firemen's associations of the state of Michigan.

Who may incorporate. SECTION 1. *The People of the State of Michigan enact*, That any five or more persons, residents of this state, being persons interested in the interest [interests] of firemen, desiring to become incorporated, may make and execute, under their hands and seals, articles of association, which said articles of association shall be acknowledged before some officer of this state having authority to take acknowledgment [acknowledgments] of deeds, and shall set forth:

What articles to set forth. *First*, Names and places of residence of the persons forming the association;

Second, The name of such corporation and the place where its office for the transaction of business is located:

Objects of association. The objects of this association are, the protection and promotion of the best interests of the firemen of Michigan; providing for the relief of the distressed; the visitation of the sick; the burial of the dead of their number; also the compilation of fire statistics; the collection of information concerning the practical working of different systems of organization; the examination of, and inquiry concerning the merits of different kinds of apparatus in use, and the improvements in the same, and the cultivation of a fraternal fellowship between the different companies in the state.

SEC. 2. A copy of said articles of association shall be filed with

the county clerk of the county in which said corporation is formed, and its office for the transaction of business is located, and shall be recorded by the clerk in the books kept by said clerk for the recording of articles of association. A copy of said articles of association shall also be filed in the office of the secretary of state at Lansing: *Provided*, There shall be attached to said last mentioned copy, before the same is filed, a certificate, under the hand and seal of the said county clerk, reciting the fact that a copy of said articles of association has been filed and recorded in his office, together with the date of filing and recording the same, and thereafter the persons signing said articles of association, their associates and successors, shall be a body politic and corporate by the name and title expressed in said articles of association; and by that name they, and their associates and successors, shall have succession, shall be persons in law, capable of suing and being sued, and they and their successors shall have a common seal; and a certified copy of the record of said articles of association and clerk's certificate above referred to, under the hand and seal of the secretary of state, shall be received as *prima facie* evidence, in all courts of this state, of the existence and due incorporation of said corporation.

Articles to be filed with county clerk and secretary of state.

Provided.

Certified copy *prima facie* evidence.

SEC. 3. Every corporation formed in pursuance of the provisions of this act shall be capable, in its corporate name, of purchasing, taking, receiving, holding and enjoying to itself estates, both real and personal: *Provided*, The value of such real estate when purchased or received shall not exceed the sum of fifty thousand dollars, and that it and its successors shall have full power and authority to give, grant, sell, mortgage, lease, devise and dispose of said real and personal estate, or any part thereof, and other estates, both real and personal, may acquire instead thereof, at its will and pleasure. Said corporation shall also have power to invest the funds of said organization in national, state or municipal bonds, or in real estate mortgage loans, at such rates of interest as it can obtain not exceeding the legal rate of interest at the time of making such instrument. Such corporation shall also have power to erect suitable buildings upon such real estate as it may own, and as are necessary for the purpose of carrying on the business of the organization and to make the said estate remunerative: *Provided further, however*, That the proceeds arising from said estates and investments shall, after the payment of all running expenses, be devoted exclusively to the benevolent purposes and objects of the corporation: *Provided, further*, That if any surplus remains unexpended the same may be invested as hereinbefore stated.

General powers.

Provided—limit as to value of real estate.

Provided—proceeds, how disposed of.

SEC. 4. Said corporation shall have full power and authority to make and establish rules and regulations for the regulating and governing of the affairs and business of said corporation, and members thereof, not contrary to the laws of the United States or this state, to decide as to the necessary qualifications for membership, to provide for the election of members, and to designate, elect or appoint in such manner as they see fit, by their rules and regulations, such officers, under such names and style as they shall

General powers continued.

decide, who shall exercise such powers and such supervision, control and management of the affairs of such corporations as shall be delegated to them respectively, by the constitution, rules, regulations and by-laws of said corporations.

Associations
formed may
reorganize under
this act.

Proviso.

SEC. 5. Any firemen's association now organized and in existence in this state, may reorganize and become incorporated in accordance with the provisions of this act, and may transfer, and are hereby authorized and empowered to convey to such reorganized corporation, such real and personal estate as they owned and possessed at the time of such reorganization: *Provided*, That when reorganizing and incorporating under the provisions of this act, the articles of association shall state that the persons executing the same are members of the society reorganizing, giving its name and location.

SEC. 6. This act shall take immediate effect.

Approved May 27, 1879.

[No. 112.]

AN ACT to transfer a certain sum of money from the general fund to the fund provided for the support of the asylum for the insane at Kalamazoo, to meet a deficiency incurred in the care of certain insane soldiers of this state.

Amount trans-
ferred.

SECTION 1. *The People of the State of Michigan enact*, That a sum not exceeding twelve thousand dollars be and the same hereby is transferred from the general fund to the fund provided for the support of the asylum for the insane at Kalamazoo, to meet a deficiency incurred in the care of certain insane soldiers of this state, at said asylum.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 113.]

AN ACT to amend sections four, five, six and seven of an act entitled "An act to provide for the organization of Protestant Episcopal churches," approved February seventeenth, eighteen hundred and fifty-seven, being sections three thousand and eighty-three, three thousand and eighty-four, three thousand and eighty-five, and three thousand and eighty-six of the compiled laws of eighteen hundred and seventy-one, and to add a new section thereto, to stand as section eight of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four, five, six and seven of an act entitled "An act to provide for the organization of Protestant Episcopal churches," approved February seventeenth, eighteen hundred and fifty-seven, being sections three thousand and eighty-three, three thousand and

eighty-four, three thousand and eighty-five and three thousand and eighty-six of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

SEC. 4. Any three or more persons who have signed any such articles, may call the first meeting of such church, at such time and place as they may see fit, by publishing notice for ten days previous to the time of such meeting, in some newspaper published in the city or township in which such church is located; and if no newspaper is published therein, then such notice may be given by posting the same in three of the most public places in such city or township; and at such meeting the affidavit of such posting or publishing shall be produced and recorded in the minutes: *And it is further provided*, That at such meeting, in addition to the signers of such articles, any other persons who may be authorized by the laws of the church to take part in the organization of parishes, shall be entitled to vote, who shall sign a declaration in writing, to be kept in the book of minutes, whereby he shall signify an intention of becoming attached to said church, and accepting the terms of such articles. Vestrymen of the church shall be elected at said meeting, or any adjournment thereof.

Call of first meeting.

Who entitled to vote.

Election of vestrymen.

SEC. 5. At all subsequent meetings the right to vote shall be confined to such persons as shall be authorized by the laws of the church to represent the congregation and to vote at parish meetings. The annual meeting shall take place at such time in Easter week as shall be fixed in said articles. Public notice shall be given of the time and place of holding such meetings on the Sunday before Easter and Easter day by the rector, and, in his absence, by either of the wardens, at the regular service on such days. In case such services shall not be held, notice shall be given either by publishing or posting, as the vestry shall direct, written or printed notices thereof, signed by the rector, or by the secretary of the vestry, in case there is no rector, at least one week prior to such meeting. At such annual meeting an election of vestrymen shall be had, to serve until the next annual meeting, and until their successors shall be chosen. The vestrymen shall be elected by ballot. The wardens, when present, shall be the judges of the election, and shall permit no person to vote unless qualified as aforesaid; and they shall canvass and declare the result, and the persons having the highest number of votes shall be declared elected. In case of the absence of the wardens, or either of them, members of the vestry shall be appointed to act as such judges in the place of the warden or wardens absent. The rector shall preside at all meetings of the congregation of the parish when present. A full and complete record of the proceedings of all such meetings shall be kept by the secretary of the vestry.

Voting at subsequent meetings.

Annual meeting.

Notice.

Election of vestrymen.

Judges of election.

Rector to preside at meetings.

SEC. 6. The vestrymen shall, by ballot, choose two of their number to be wardens. They may also appoint a secretary and treasurer from their own number, and may employ such other agents and servants as may be required. Meetings of the vestry may be called by the rector of the church, by giving due notice thereof at any regular service on Sunday, or it may be called by

Election of wardens.

Appointment of secretary, treasurer, etc.

Meetings of vestry.

Quorum, etc. serving a notice, in writing, signed by the rector, either warden, or any two vestrymen, upon all the others. A majority of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote, except in case of a tie; and in his absence from the meeting, one of the wardens, if present, shall preside. All

Vacancies, how filled. vacancies in such vestry may be filled by the remaining vestrymen at any meeting, and the persons so elected shall hold for the same period as their predecessors would have done.

Authority of vestry. SEC. 7. All the temporal affairs of such churches shall be managed by the vestry thereof, and they shall have authority, in the corporate name, to lease or to purchase and hold such real estate as shall be reasonably necessary for a church building, chapel, lecture, and school rooms, and for dwellings for the ministers thereof; but it shall not be lawful for such corporations to hold or use any real estate for any other purpose for a longer period than

How vestry may encumber real estate. ten years. The said vestry shall also have power to alienate or encumber any of the property of such corporation, but they shall not have power or authority to alienate or encumber any real estate purchased or held for any of the purposes above enumerated, without first being authorized so to do by a vote of the congregation of the parish represented by said corporation at a meeting called for such purpose. Notice of the time and place thereof shall be given in the same manner as that of the annual meeting, and no person shall vote at such meeting except those qualified to vote at the annual meeting. The vestry shall submit to said meeting, in writing, their proposition as to alienating or encumbering said property, with such particularity as to inform such meeting of the material facts to be voted on. The vote shall be by ballot, upon which shall be written or printed: "In favor of sale," or "loan" (as the case may be), "Yes." "In favor of sale" or "loan" (as the case may be), "No." And if a majority of the votes cast at such meeting shall be in the affirmative, then said vestry shall have the authority to alienate or encumber said property in accordance with such proposition. The rector, or other person presiding, shall appoint tellers, who shall be members of the vestry, who shall be the judges of the qualification of the voters, and canvass and certify the result to the vestry, who shall enter the same upon their records. Said vestry shall have authority to erect, alter, repair, enlarge, take down, or remove and rebuild any church or other building belonging to such corporation, provided such vestry shall first have obtained authority so to do from the congregation of the parish, in the manner hereinbefore provided for alienating or encumbering the property thereof. No owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected.

Authority to remove or rebuild church, etc.

Owner of pew or slip in church not owner of land on which erected.

New section added.

Record of proceedings.

SEC. 2. That there be added to said act a new section, to stand as section eight, to read as follows:

SEC. 8. The vestry shall keep a record of their proceedings, which, together with a record of the meetings of the congregation of the parish shall, at all times, be open to the inspection of any

officer of the parish, and of all persons qualified to vote at the annual meeting of such church. Such records shall be *prima facie* evidence of the facts therein stated.

SEC. 3. This act shall take immediate effect.

Approved May 27, 1879.

[No. 114.]

AN ACT to amend section one of chapter twenty-three, being compiler's section eleven hundred and ninety-two, of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter twenty-three, being compiler's section eleven hundred and ninety-two of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows: Section amended.

(1192.) SEC. 1. The commissioner of highways in each township in this state shall have the care and superintendence of highways and bridges therein, and it shall be his duty: Duty of commissioner of highways.

First, To give directions for the repairing of roads and bridges within his respective township;

Second, To regulate the roads already laid out, and to alter such of them as they shall deem inconvenient;

Third, To cause such of the roads used as highways, as have been laid out but not sufficiently described, and such as shall have been used for twenty years but not recorded, to be ascertained, described, and entered of record in the township clerk's office;

Fourth, To cause the highways and the bridges over streams intersecting highways to be kept in repair;

Fifth, To divide his township into so many road districts as he shall judge convenient, by writing under his hand; also to vacate, alter, or consolidate road districts, to be entered of record in the township clerk's office, but no such division shall be made within five days next preceding the annual township meeting;

Sixth, To assign to each of said districts such of the inhabitants, liable to work on highways, as shall reside in such district, or own lands therein; and

Seventh, To require the overseer of highways, from time to time, and as often as he shall deem it necessary, to have all persons assessed to work on the highways, perform their labor thereon with such teams, carriages, sleds or implements as said commissioner shall direct.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 115.]

AN ACT to amend section three of act number one hundred and seventy-two of the session laws of eighteen hundred and seventy-seven, being an act relative to the care of persons insane at the expiration of their term of sentence at any of the penal institutions of this State, or the Detroit house of correction.

Section
amended.

SECTION 1. *The People of the State of Michigan enact.* That section three of act one hundred and seventy-two of the session laws of eighteen hundred and seventy-seven, being "An act entitled an act relative to the care of persons insane at the expiration of their term of sentence at any of the penal institutions of this state, or at the Detroit house of correction," approved May twenty-second, eighteen hundred and seventy-seven, be amended so as to be and read as follows:

Proceedings
before judge of
probate.

SEC. 3. On such discharged convicts being brought before the judge of probate aforesaid, such judge shall call two respectable physicians and other credible witnesses, and also immediately notify the prosecuting attorney of his county, of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of the State; and said probate judge shall fully investigate the facts in the case, either with or without a jury, as to the question of insanity, and if the probate judge certifies that satisfactory proof has been adduced showing him insane, and no relative, relation, or friend of such discharged convicts, has, in the mean time, appeared and offered to take charge of him, on the certificate of such judge, under the seal of the probate court of said county, he shall be admitted into one of the asylums for the insane in this state, and supported there at the expense of the state until he shall be restored to soundness of mind, or until removed by due process of law, or taken charge of by his relatives or friends. The bills for the maintenance, clothing and other charges of such patients, shall be rendered quarterly to the auditor general in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the state treasurer to the treasurer of the asylum in which the patients may be, on the warrant of the auditor general, out of any money belonging to the general fund. The probate judge in such examination shall have the power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians taken under oath and other papers, and enter the proper order in the journal of the probate court in his office; said probate judge shall report the result of his proceedings, to the board of state auditors, whose duty shall be to audit and allow the expenses of such proceeding, to be paid by the state treasurer on the warrant of the auditor general: *Provided*, That if such discharged convict shall not be in indigent circumstances, the treasurer of such asylum shall take all necessary proceedings to reimburse the state for his support at such asylum from his property or such of his relatives as may be liable for his support.

Convict to be
admitted to
asylum.

Bills for main-
tenance, how
paid.

Probate judge
may compel
attendance of
witnesses, etc.

Board of auditors
to audit expen-
ses.

Proviso.

SEC. 2. This act shall take immediate effect.
Approved May 27, 1879.

[No. 116.]

AN ACT to amend an act entitled "An act to provide for taking of private property for the public use or benefit, and for the opening of highways, streets and alleys, by the cities and villages of this state," approved May twenty-third, eighteen hundred and seventy-seven, by adding six new sections thereto.

SECTION 1. *The People of the State of Michigan enact,* That Act amended. an act entitled "An act to provide for taking of private property for the public use or benefit, and for the opening of highways, streets and alleys by the cities and villages of this state," approved May twenty-third, eighteen hundred and seventy-seven, be and the same is hereby amended by adding the following new sections Sections added. thereto, the same to stand as sections thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, viz. :

SEC. 30. No common council or board of trustees shall adopt any resolution for the opening of any private way or alley under this act unless there has previously been presented to such common council or board of trustees, a petition signed by one or more of the property owners interested in having such private way or alley opened, and stating that such way or alley is necessary for private use, or benefit, and asking that proceedings be instituted to open the same, and there shall be filed with such common council or board of trustees, proof by affidavit that a copy of such petition together with a notice of the time it would be presented to such common council or board of trustees, had been, at least five days previous thereto, served upon all the owners, occupants or persons interested in the property to be taken or assessed, and who could be found in such city or village, as far as they could be ascertained by the person making such service, after diligent inquiry, and the fact that such petition and notice has been so served and presented, shall be stated and alleged in the petition to be filed in court by the city or village attorney as prescribed in this act. Council not to open street, etc., without petition. Proof of service upon property owners, etc.

SEC. 31. Any person interested shall have a right to be heard, by petition or otherwise, before such common council or board of trustees upon the question whether such proceedings should be instituted, and also upon the question of fixing the assessment district: *Provided, however,* That when such private alley or way is to be opened in or through any block of land or lots in such city or village, the property in said block shall be made such assessment district. Right of persons interested to be heard.

SEC. 32. Whenever, in any proceedings under this act, it shall become necessary to serve any process or notice on any railroad or other corporation, domestic or foreign, it shall be sufficient to serve the same upon the president, vice president, secretary, treasurer, or other executive officer of the corporation, or upon any general manager, agent, or general or division superintendent, or upon any conductor of a freight or passenger train, or any station or freight agent of any railroad company, or upon any local agent of any such corporation, railroad or other, and such service shall be deemed a good and sufficient service upon such corporation; and Serving notice on corporation.

the return of the sheriff as to corporations as well as in other cases, shall be conclusive evidence of the facts stated in it.

Alias or pluries
summons.

SEC. 33. An alias or pluries summons may be issued in any proceeding under this act where a good and sufficient return shall not be made as to the respondents, or any of them, or if for any other reason it is deemed necessary or advisable, and a new summons may be issued to bring in additional parties; but it shall not be necessary to direct said alias, pluries, or new summons to any respondents except those to be served, and no publication thereof shall be necessary. When any such further summons is to be issued, the proceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, and the summons shall be made returnable on the day to which the case is adjourned, but shall be served at least five days previous thereto.

Constitutional
provision.

SEC. 34. In case this act does not provide that any steps or action, required by the constitution of this state, should be taken, or if any portion of the act expressly violates the constitution, it is the intention that if in any case the rule or provision of the constitution has as a matter of fact been complied with, the proceedings are to be deemed valid.

Map and survey
before trial.

SEC. 35. Before the trial in any proceeding under this act, the city or village authorities shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the surveyor or person making the same, to be prepared for use on the trial, the same to be subject to alteration and correction under the direction of the court, and at the conclusion of the trial such map or plan shall be filed as a part of the record in the case. The common council or board of trustees in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to the owners or occupants of, or others interested in, the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits, made against the property of said owners, occupants, or others interested, respectively. At any sale under this act of the property assessed, the city or village attorney, or in his absence the city or village treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Council may
advance sums
awarded.

Corporation may
bid in property.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 117.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation of state swamp lands for the drainage

and reclamation of certain state primary school lands, and also to drain the Capac and Clyde state road extension in the township of Imlay. Lapeer county.

SECTION 1. *The People of the State of Michigan enact*, That the state board of control of state swamp lands be, and the said board is hereby authorized to appropriate two thousand acres of state swamp lands in the Lower Peninsula, or as much as said board may deem proper, to lay out, open and construct a drain or water-course in the township of Imlay, Lapeer county, Michigan, commencing at a point on Belle river, at or near the railroad bridge on said river in section sixteen, and running northeasterly through section sixteen, and passing through the unsold primary school land, thence northerly through sections nine and four to the north town line of said township of Imlay: *Provided*, That such drain or water-course shall be laid out, opened and constructed in pursuance of the provisions of law in relation to the construction of swamp land state roads and drains: *Provided further*, That said swamp lands shall be located in Lapeer county, so far as Lapeer county swamp land is available, before such land shall be located elsewhere.

Appropriation of land.

To construct drain.

Proviso.

Proviso—where land to be located.

SEC. 2. Charles Palmer and Nathaniel B. Eldridge are hereby appointed local commissioners for the construction of said ditch or drain, and they shall receive for their compensation the sum of two dollars per day, or at that rate for parts of days actually spent in performing their duties as such commissioners, to be paid out of the contingent fund of the township of Imlay, audited and allowed as other township expense accounts; and said commissioners before entering upon the duties of their office, shall take the oath of office and give the usual bond required by the commissioner of state swamp lands.

Local commissioners.

Compensation.

To be paid by township of Imlay.

Oath and bond.

SEC. 3. This act shall take immediate effect.

Approved May 27, 1879.

[No. 118.]

AN ACT to authorize the board of control of state swamp lands to aid in the construction and repairing of roads in the county of Berrien.

SECTION 1. *The People of the State of Michigan enact*, That to aid in the construction of a road beginning at the corners of sections one and twelve, township eight south, range twenty west, on the line between ranges nineteen and twenty west, thence south on said range line one and three-fourths miles. From same corners east between sections six and seven, and between sections five and eight in town eight south, range nineteen west, one and one-fourth miles. From corner to sections seven and eighteen on said range line, east between sections seven and eighteen and sections eight and seventeen one and one-half miles, and from corner to sections

Line of road.

twelve and thirteen on said range line, west one mile, and for the purpose of drainage and reclamation the board of control of the state swamp lands are hereby authorized and empowered to appropriate not to exceed two sections of swamp lands per mile for the building of said roads as above described, such lands to be selected from any vacant swamp lands in the Lower Peninsula, and the appropriation to be expended under the direction of said board of control.

Appropriation of
lands.

Where selected
and by whom
expended.

SEC. 2. This act shall take immediate effect.
Approved May 27, 1879.

[No. 119.]

AN ACT to provide for the construction of a plank or gravel road across the Lynn marsh in the county of St. Clair, and for the drainage of said marsh.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands are hereby authorized and empowered to appropriate five sections, or so much thereof as may be deemed sufficient, of state swamp land for the purpose of constructing a plank or gravel road from the northeast corner of the southeast quarter of section four, in the township of Mussey, in the county of St. Clair, in a northerly direction across the Lynn marsh, so-called, in the township of Lynn, in said county, being a distance of about five miles.

Appropriation of
land.

Line of road.

Appropriation,
how expended.

Proviso.

SEC. 2. Said appropriation shall be expended and said road constructed under the direction of the state board of control, in such manner as will best promote the drainage of said marsh: *Provided*, That such work be done and expenditure be made in pursuance of the provisions of law in relation to the construction of swamp land roads and ditches, under the supervision of the swamp land commissioners and board of control of state swamp lands.

SEC. 3. This act shall take immediate effect.
Approved May 27, 1879.

[No. 120.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation of state swamp lands to aid in the construction of a ditch in Bay county.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands are hereby authorized to appropriate six sections of state swamp lands, situated in the county of Bay, or as much thereof as they may deem necessary, to aid in the construction of a ditch in the townships of Bangor and Monitor, in the county of Bay, running as follows: Beginning at a point on the quarter line in the center of section nineteen, running

Appropriation of
land.

In Bay county.

Line of ditch.

thence north on the quarter line, through sections eighteen and seven; and thence northwesterly through sections six and one, into the Kawkawlin river, being in township fourteen north, of range five east; and for the continuance of said ditch, commencing at the center of section seven in said township and range, and running westerly to the center of section twelve, in township fourteen north, of range four east; thence in a southwesterly direction to the center of section twenty-three, township fourteen north, of range four east.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 121.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to drain and reclaim certain swamp and overflowed lands on section sixteen, Yankee Springs township, Barry county.

SECTION 1. *The People of the State of Michigan enact*, That the state board of control of state swamp lands be, and the said board is hereby authorized to appropriate as many acres of state swamp lands in the Lower Peninsula, not exceeding seven thousand acres, as said board may deem proper, after a full investigation of its merits, to lay out, open, and construct a drain or water-course in Yankee Springs township, Barry county, commencing on the south line of section sixteen, and to run thence northeasterly to Bassett's lake, on section ten, and by sufficiently deepening and straightening the outlet of the said lake, thence northeasterly to the Thornapple river, a part of which outlet is Yankee Springs creek: *Provided*, That such work be done and expenditures be made in pursuance of the provisions of law in relation to the construction of swamp lands, roads and ditches, under the supervision of the swamp land commissioners and state board of control of state swamp lands.

SEC. 2. This act shall take immediate effect.

Approved May 27, 1879.

[No. 122.]

AN ACT making appropriations for the general and other expenses of the university of Michigan for the years eighteen hundred and seventy-nine and eighteen hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the state treasury, for the general expenses of the university of Michigan, and for other expenses and purposes herein named, the following sums, to wit:

For what purposes

For the general library for the year eighteen hundred and seventy-nine, two thousand dollars.

For the general library for the year eighteen hundred and eighty, two thousand dollars.

For the hospital for the year eighteen hundred and seventy-nine, three thousand dollars.

For the hospital for the year eighteen hundred and eighty, three thousand dollars.

For the homœopathic college for the year eighteen hundred and seventy-nine, two thousand dollars.

For the homœopathic college for the year eighteen hundred and eighty, the sum of two thousand dollars.

For the dental college for the year eighteen hundred and seventy-nine, four thousand five hundred dollars.

For the dental college for the year eighteen hundred and eighty, four thousand five hundred dollars.

For credit to general fund for dental buildings, thirty-two hundred and fifty dollars.

For steam heating apparatus, twenty thousand dollars.

For building a homœopathic hospital, sixty-five hundred dollars.

For enlargement of matron's house, one thousand dollars.

For the homœopathic hospital for the year eighteen hundred and eighty, twelve hundred and fifty dollars.

How assessed.

SEC. 2. There shall be assessed upon the taxable property of the state, in the year eighteen hundred and seventy-nine, the sum of forty-two thousand two hundred and fifty dollars, and in the year eighteen hundred and eighty, the further sum of twelve thousand seven hundred and fifty dollars, which shall be assessed, levied and collected in the same manner as other state taxes are by law assessed, levied and collected; which tax when collected shall be credited up to the general fund to reimburse the same for the amounts drawn therefrom as provided in section one of this act; and the regents of the university are hereby required to make an annual itemized report to the governor of all receipts and expenditures of the university: *Provided*, That no money shall be drawn from the state treasury for the support of said university, unless the reports as required by this section are made.

Regents' report to governor.

Proviso—money not to be drawn until report made.

SEC. 3. This act shall take immediate effect.

Approved May 27, 1879.

[No. 123.]

AN ACT making appropriations for improvements at the state prison at Jackson.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty thousand and eighty dollars be and the same is hereby appropriated from the general fund for the year eighteen hundred and seventy-nine, to be expended under the direction of the inspectors of the state prison at Jackson, for the purpose of

repairs, additions, and improvements therein, as follows: For the purchase of two new boilers and resetting the old ones, five thousand dollars; for completing the extension to the agricultural tool shop, two thousand dollars; for new locks on one block of cells, thirteen hundred and twenty dollars; for one hog pen, one thousand dollars; for new windows in west wing, seven hundred and sixty dollars; for the purchase of twenty-seven acres of land adjoining the prison, ten thousand dollars: *Provided*, That said land shall not be purchased, or said last named sum be drawn, except after the governor and board of state auditors shall certify to the inspectors of the prison that coal in paying quantities has been found on said premises, and that it is advisable to purchase the same: *And provided further*, That the said sum of ten thousand dollars shall not be drawn from the treasury nor used for any other purpose if they do not so certify: *Provided further*, That no money shall be expended in exploring for coal on said premises until the owner or owners of said land shall enter into a contract of sale therefor, with sureties satisfactory to the governor and board of state auditors, conditioned that said owners will execute a good and sufficient deed or deeds of said land to the state of Michigan whenever requested so to do, at a price not to exceed ten thousand dollars.

For what purpose.

Proviso as to purchase of land.

Proviso as to use of money.

Further proviso.

SEC. 2. The above sums shall be, in part or in whole, available for the purposes for which they are appropriated during the year eighteen hundred and seventy-nine or thereafter, as the progress of the improvements may demand.

When sums available.

SEC. 3. That the auditor general is hereby authorized to incorporate the sum of twenty thousand and eighty dollars in the state tax for the year eighteen hundred and seventy-nine, and when collected, place the several amounts to the credit of the general fund to reimburse to the same the several sums to be drawn therefrom, as provided by this act.

Auditor general to incorporate in state tax.

SEC. 4. This act shall take immediate effect.

Approved May 28, 1879.

[No. 124.]

AN ACT to make appropriations for the maintenance of patients at the Michigan asylum for the insane, and for repairs, renewals, and additions, and to compensate for certain damages on account of drainage.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fifteen thousand dollars, or so much thereof as shall be found necessary, is hereby appropriated out of the state treasury to the Michigan asylum for the insane, for the maintenance of patients for the fiscal year eighteen hundred and seventy-nine.

Appropriation.

Also the further sums for the specific purposes, as follows, to wit: For extraordinary repairs and renewals for the fiscal years of

Further sums for specific purposes.

eighteen hundred and seventy-nine and eighteen hundred and eighty, four thousand dollars;

For laying out and constructing walks and drives, grading grounds, planting trees, twelve hundred dollars;

For laying gas main pipe, one thousand dollars;

For the erection of a brick chimney and additional boiler, eight hundred and twenty-five dollars;

For reconstructing heating coils in the north wing of the female department, twelve hundred dollars;

For expense of transfer of patients from Kalamazoo to Pontiac, eight hundred and sixty-three dollars;

For books, pictures, and stereopticon slides, five hundred dollars;

For wood shed and hog pens, five hundred dollars;

For damage to adjacent landholders by reason of drainage from asylum, fifteen hundred dollars.

How money
may be drawn.

SEC. 2. That the moneys appropriated hereby may be drawn from the state treasury upon the warrant of the auditor general, in such sums and at such times as shall be made to appear to him necessary; the several sums shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers, and monthly account current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

Auditor General
to incorporate
in state tax.

SEC. 3. That the auditor general is hereby authorized to incorporate the sum of twenty-six thousand five hundred and eighty-eight dollars, in the state tax for the year eighteen hundred and seventy-nine, and when collected place the same to the credit of the general fund.

SEC. 4. This act shall take immediate effect.

Approved May 29, 1879.

[No. 125.]

AN ACT to amend section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons, as amended by act number one hundred and thirty-eight of the session laws of eighteen hundred and seventy-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons, as amended by act number one hundred and thirty-eight of the session laws of eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows;

Possession of
personal estate.

(4407.) SEC. 7. The executor or administrator shall be entitled to the possession of the personal estate of the deceased until assignment or distribution of the same to heirs, legatees, or other persons entitled to the same, by order of the probate court, or until

the estate is finally settled. The real estate of the deceased shall remain subject to sale for the payment of debts under license from the probate court for the term of six years from and after the death of the deceased, unless the debts are all sooner paid. And the circuit courts in chancery shall have authority upon the application of the executor or administrator, or a majority in amount of the creditors holding proved debts, to grant an order restraining the commission of waste upon such real estate during the settlement of the estate. Such application shall be in the nature of a petition, which shall be duly verified and shall allege the facts upon which the prayer for such order is based. If the judge of the circuit court in chancery shall consider a proper case to have been made by such petition he shall issue an order to the person or persons sought to be restrained, to show cause at a time to be therein stated, why the order asked for should not be granted, which order to show cause shall be personally served at least ten days before the date fixed therein. If the party named in such order cannot be found within the state, service thereof may be made on the persons engaged in the commission of the alleged waste and at the time fixed in said order, to show cause, or at such other time to which the proceedings may be adjourned, the court shall hear the proofs and allegations of the parties as near as may be, as provided for in chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, and shall thereupon make such order in the premises as may be proper and just, and any order so made, shall be served in the same manner as the order to show cause. In case of an alleged violation of such order, proceedings may be had, and with like effect as provided in chapter one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one. Appeals may be taken as in other chancery causes from such orders, and the said court may at any time on a like application and notice, extend, modify or vacate any such order. It shall be competent for the probate court, on petition of the executor, administrator, creditor, heir or legatee, to order that the executor or administrator pay the taxes on the real estate of the deceased, whenever it shall appear that such payment is necessary for the protection of such estate or persons interested therein.

Real estate.

Circuit court may grant order restraining waste, etc.

Application for order.

Order of judge.

Service of.

Proceedings in case of violation of.

Appeals.

Payment of taxes on real estate.

SEC. 2. This act shall take immediate effect.

Approved May 30, 1879.

[No. 126.]

AN ACT to amend consecutive sections sixteen hundred and sixty-seven, sixteen hundred and sixty-eight, sixteen hundred and sixty-nine, sixteen hundred and seventy, sixteen hundred and seventy-one, and sixteen hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one, of an act entitled "An act to protect the title of owners of floating logs

and timber," and to add one new section thereto to be known as section seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That consecutive sections sixteen hundred and sixty-seven, sixteen hundred and sixty-eight, sixteen hundred and sixty-nine, sixteen hundred and seventy, sixteen hundred and seventy-one, and sixteen hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one be amended so as to read as follows:

Logs to be marked.

(1667.) SECTION 1. That every person, copartnership, or corporation who shall put any logs or timber into any river, stream or water, in this state, for the purpose of rafting or floating the same to any other place, shall have some mark or marks previously selected, approved and recorded in the manner hereinafter specified, impressed in a conspicuous place or places upon the end or surface of each of said logs or sticks of timber so put into any of the aforesaid waters.

Record of diagram of marks.

(1668.) SEC. 2. Before any such mark or marks shall be used it shall be the duty of every such person, copartnership, or corporation intending to use the same, to cause a diagram and a full and complete written description thereof signed by such person, copartnership or corporation to be recorded in the office of the clerk of each county through which any river, stream or water may run wherein is to be floated any logs or timber upon which said mark or marks are to be placed, and shall also give notice in writing to each log running or booming company doing business on any waters on which the logs or timber are floated or run. The diagram and description to be recorded as aforesaid must be different from any description already recorded in said office claimed by any other person, firm or corporations; said person, copartnership, or corporation shall thereupon cause said diagram and description to be recorded in the office of the clerk of each county through which any river, stream or water may run, wherein is to be floated any logs or timber upon which said mark or marks are to be placed. The recording of any diagram and description shall have no force and effect unless approved by the president and secretary of the booming company or companies as aforesaid.

Where recorded.

Notice in writing to be given to booming companies.

Diagram to be approved by booming company.

Record to be open for inspection.

Fees for recording.

Marks presumptive evidence.

(1669.) SEC. 3. It shall be the duty of any such clerk to record in a book to be kept by him for that purpose, all marks and descriptions furnished to him for that purpose, and which have been approved as aforesaid, and which are different from any other mark, or description there recorded, which book shall be, at all reasonable hours, open to the inspection and examination of any person requiring it, and each of said clerks shall be entitled to receive for his fees, for each mark and description recorded, twenty-five cents, to be paid in advance by the party having the same recorded.

(1670.) SEC. 4. Any logs or timber having any such recorded mark or marks impressed thereon, shall be presumed to belong to the party or parties in whose name said mark or marks shall have been recorded.

(1671.) SEC. 5. Every person, corporation or copartnership who shall neglect to have his or their mark or marks recorded, as required in the second section of this act, shall be debarred from all the benefits arising from the due recording of such mark or marks, and the vendee or assignee of such logs or timber shall be subject to the same regulations and restrictions: *Provided*, The provisions of this act shall apply only to the streams running into Lake Michigan, except the Kalamazoo river.

Neglect to record marks.

Proviso.

(1672.) SEC. 6. If any person shall falsely make, forge or counterfeit such mark, and use the same in marking logs or timber, knowing the same to be the mark of another person, and with intent to defraud, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the state prison not to exceed five years, or by fine of not less than one hundred dollars, nor more than two thousand dollars.

Penalty for counterfeiting marks.

SEC. 2. That a new section be added to said act to stand as section seven thereof which shall read as follows:

New section added.

SEC. 7. The board or boards of directors of any log running or boom [booming] company doing business on any river, stream or water in this state, included in the provisions of this act, are hereby authorized, whenever it shall be made to appear to said board or boards, that any similar or unsuitable mark or marks are or have been placed upon any logs or timber floated or intended to be floated in any river, stream or water upon which said booming company is doing business, to notify and request the person, copartnership or corporation, using or intending to use said similar or unsuitable mark or marks, and who were the last to adopt and record the same, to alter or discontinue the use thereof. And in case the owner or owners of such defective mark or marks shall neglect or fail to comply with said notice and request within thirty days after service thereof upon such owner or owners, the board of directors may thereupon make a description of such defective mark or marks, attach an affidavit thereto setting forth the time and manner of service of said notice and request, and file the same in the clerk's office in which such defective mark or marks are recorded, said defective mark or marks shall have no force and effect for any purpose from and after the first day of November next thereafter. All marks altered or amended shall be approved and recorded in the same manner as new or original marks.

Board of directors of booming companies may request discontinuance of marks.

Penalty for refusal to comply with request.

SEC. 3. This act shall take immediate effect.

Approved May 31, 1879.

[No. 127.]

AN ACT to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, and to repeal act number one hundred and eighty-one of the session laws of one thousand eight hundred and seventy-five, approved May first, one thousand eight hundred and seventy-five, and act number one hundred

and ninety-six of the session laws of one thousand eight hundred and seventy-seven, approved May twenty-second, one thousand eight hundred and seventy-seven.

Appointment of
inspector.

Term of office.

Duty.

May enter on
premises for
purpose of in-
spection.

What oil may be
sold.

Penalty for sell-
ing oil marked
rejected.

Appointment of
deputies.

Removal.
Instruments for
testing oils.

Proviso.

What tester to
be used.

SECTION 1. *The People of the State of Michigan enact*, That the governor shall appoint a suitable person, resident of the state, who is not interested in manufacturing, dealing in, or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from [the] date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector, or his deputies hereinafter provided, to examine and test the quality of all such oils offered for sale by any manufacturer, vendor, or dealer, and if, upon such testing or examination, the oils shall meet the requirement hereinafter specified, he shall fix his brand or device, viz.: "approved," with the date over his official signature, upon the package, barrel, or cask, containing the same. And to more effectually carry out the provisions of this act, it shall be lawful for the state inspector, or his deputies, to enter into or upon the premises of any manufacturer, vendor, or dealer of said oils, and if they shall find or discover any kerosene oil, or any other product of petroleum that has not been inspected and branded, according to the provisions of this act, they shall proceed to inspect and brand the same. And it shall be lawful for any manufacturer, vendor, or dealer to sell the oil so tested and approved as an illuminator; but if the oil or other product of petroleum so tested shall not meet said requirements, he shall mark in plain letters on said package, barrel, or cask, over his official signature, the words: "Rejected for illuminating purposes;" and it shall be unlawful for the owner thereof to sell such oil, or other product of petroleum, for illuminating purposes; and if any person shall sell or offer for sale such rejected oil, or other product of petroleum, for such purpose, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty, in the discretion of the court, in any sum not exceeding three hundred dollars.

SEC. 2. The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the state inspector: *Provided*, That the state inspector may remove any of said deputies for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose, to promptly inspect all oils hereinbefore mentioned, and to reject, for illuminating purposes, all oils which will emit a combustible vapor at the temperature of one hundred and twenty degrees of Fahrenheit's thermometer: *Provided*, The quantity of oil used in the flash test shall not be less than half a pint. The oil tester adopted and recommended by the Michigan state board of health shall be used by the inspector and his deputies.

SEC. 3. Every person appointed a state inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation prescribed by the constitution and laws of this state, and shall file the same in the office of the secretary of state. The state inspector shall execute a bond to the state of Michigan, in such sum and with such surety as shall be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglect of said inspector, and the same shall be filed with the secretary of state. The deputy inspector shall, before he enters upon the duties of his office, take such oath and file such bond with like conditions, as is required of the state inspector, said bond to be in such sum as shall be required by the state inspector, with two sureties to be approved by the judge of probate, and file such oath and bond with the clerk of the county in which such deputy inspector resides. Such deputy shall also forward the county clerk's certificate of such filing to said state inspector. Said inspectors shall collect one-half cent for each gallon contained in the barrels, casks, or packages so inspected, and he shall pay over to the state inspector at the commencement of each month, all moneys received by him for inspection; and, in any case of inspection or branding, said fee shall be a lien on the oil so inspected. It shall also be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of barrels, casks, or packages, the name of the person for whom inspected, and the money received for such inspection, and said record shall be open to the inspection of all persons interested. It shall also be the duty of every deputy inspector, at the commencement of each month, to forward to the state inspector and board of state auditors, true duplicate copies of such record for the preceding month. In the month of January in each year, the state inspector shall make and deliver to the governor of the state and board of public health, annual duplicate reports of the inspections by himself and deputies during the preceding calendar year. All illuminating oils manufactured or refined in this state shall be inspected before being removed from the manufactory or refinery; and if any person or persons, whether manufacturer, vendor, or dealer, shall sell, or attempt to sell, to any person in this state any illuminating oils, whether manufactured in this state or not, before having the same inspected, as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars; and if any manufacturer, vendor, or dealer in either or any of said illuminating oils, shall falsely brand the package, cask, or barrel containing the same, as provided in sections one and two of this act, or shall use packages, casks, or barrels having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he

Oath of office.

Bond.

Oath and bond of deputy.

Fees for inspecting.

Record of oils inspected.

Duplicate copies of record to be forwarded to state inspector and board of state auditors.

Oils manufactured in this state to be inspected before removal from manufactory.

Penalty for selling before inspection.

Penalty for falsely branding, etc.

shall be subject to a penalty in any sum not exceeding three hundred dollars nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Penalty for selling empty barrels, etc., before cancelling stamp.

SEC. 4. Any person selling or dealing in illuminating oils produced from petroleum, who shall sell or dispose of any empty kerosene barrel, cask, or package, before thoroughly canceling, removing or effacing the inspection brand on the same, shall be guilty of a misdemeanor, and, on conviction, shall pay a fine of one dollar for each barrel, cask, or package thus sold or disposed of.

Adulteration prohibited.

Sale or use of adulterated oils prohibited.

SEC. 5. No person shall adulterate with paraffine or other substance for the purpose of sale or for use, any coal or kerosene oils to be used for lights in such a manner as to render them dangerous to use, nor shall any person knowingly sell or offer to sell, or knowingly use such adulterated oil, nor shall any person knowingly sell or offer for sale, or knowingly use any coal or kerosene oil, or any of the products thereof for illuminating purposes, which by reason of being adulterated, or for any other reason, will emit a combustible vapor at a temperature less than one hundred and twenty degrees of Fahrenheit's thermometer: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both such fine and imprisonment in the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prevent the use in street lamps of lighter products of petroleum, such as gasoline, benzine, benzole, naphtha: *Provided further*, That the provisions of this act shall not apply to the use of machines or generators constructed on the principle of the "Davy Safety Lamp."

Proviso.

Penalty.

Proviso—not to apply to street lamps.
When not to apply to machines, etc.

Salary of State inspector.

Salary of deputy.

SEC. 6. The state inspector shall receive an annual salary of fifteen hundred dollars. He shall also be allowed such further sum as he may actually and necessarily expend in traveling expenses and prosecutions incurred in the discharge of his duties. Each deputy inspector shall be entitled to a salary payable monthly, the amount of such salary to be determined by the number of casks, barrels and packages actually inspected by such deputy inspector during the month, as follows: For each of the first ten, one dollar each; for each of the second ten, seventy-five cents; for each of the third ten, sixty cents; for each of the fourth ten, fifty cents; for each of the fifth ten, forty cents; for each of the sixth ten, thirty cents; for each of the seventh ten, twenty-five cents; for each of the eighth ten, twenty cents; for each of the ninth ten, fifteen cents; for each of the tenth ten, ten cents; for each of the second hundred, eight cents; for each of the third hundred six

cents; for each in excess of three hundred, five cents: *Provided*, Proviso. That in no case shall any deputy inspector receive more than one hundred dollars in any month as such salary. Said deputy Expenses of deputies. inspector shall also be entitled to and allowed all actual and necessary expenses for railroad, stage and steamboat fares incurred in the discharge of his duties as such deputy inspector. All salaries and expenses provided for in this act, shall be retained by the state How salaries paid. inspector out of the money received for inspections of oil, and accounted for and paid out by him as provided in this act: *Provided*, That in case the amount of money received for the inspection of oils according to the provisions of this act, shall not be sufficient to pay the compensation and expenses of the inspector and his deputies as provided herein, the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

SEC. 7. The state inspector shall render to the board of state auditors, quarterly, a detailed account of all the receipts and disbursements of his office, to be audited and allowed by them if found correct; and at the end of the year, any surplus shall be paid into the state treasury. Account of receipts, etc., to board of state auditors.

SEC. 8. It shall be the duty of the state inspector, or any deputy inspector, who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending; and in case the state inspector or deputy inspector, have [having] knowledge of the violation of the provisions of this act, shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor. Prosecution for violation of act.

SEC. 9. It shall be the duty of all prosecuting attorneys to represent and prosecute in behalf of the people, within their respective counties, all cases of offenses arising under the provisions of this act. Prosecuting attorney to prosecute.

SEC. 10. No inspector or deputy inspector shall, while in office, traffic directly or indirectly, in any article which he is appointed to inspect. For the violation of any of the provisions of this act, he shall be liable to a penalty not to exceed three hundred dollars. Inspectors prohibited from dealing in oil.

SEC. 11. It shall be the duty of the governor to remove from office, and to appoint a competent person, in the place of any inspector who is unfaithful in the duties of his office. Removal from office.

SEC. 12. Act number one hundred and eighty-one of the session laws of eighteen hundred and seventy-five, as approved May first, eighteen hundred and seventy-five, and act number one hundred and ninety-six of the session laws of eighteen hundred and seventy-seven, as approved May twenty-third, eighteen hundred and seventy-seven, are hereby repealed. Act repealed.

SEC. 13. This act shall take effect thirty days from and after its approval by the governor.

Approved May 31, 1879.

[No. 128.]

AN ACT to amend sections one hundred and fifty-three and one hundred and fifty-four of chapter twenty-one, of the compiled laws of eighteen hundred and seventy-one, being compiler's sections one thousand one hundred and nineteen and one thousand one hundred and twenty, relative to the collection of taxes on part-paid state lands.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and fifty-three and section one hundred and fifty-four of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, being compiler's sections one thousand one hundred and nineteen and one thousand one hundred and twenty of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows: *Provided*, That the state shall credit to the county wherein said lands are situated the amount of taxes for which the lands were forfeited.

Proviso, taxes to be credited to county.

Forfeiture in case of neglect to pay taxes.

(1119.) SEC. 153. The purchaser or purchasers of any piece or parcel of land so returned, or the person or persons claiming to have any interest in the same, as the assignee or legal representative in any other capacity of such purchaser, shall, on or before the first day of July next succeeding the time when such annual interest is payable, pay to the state treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon, from the first day of February following the assessment of the same, at the rate of ten per cent. per annum, if paid by the first day of June following the assessment, or at the rate of twenty per cent per annum if paid after the said first day of June, and in addition thereto on each description, thirty cents, to defray the expenses of the collection of such taxes; and in default of such payment, and in case of the non-payment of such taxes, together with the interest and charges aforesaid, on or before the said first day of July, the certificate of purchase of said parcels of land shall become void and of no effect from the time of such default, and the commissioner may take immediate possession of and re-sell said lands.

Sale and redemption.

(1120.) SEC. 154. Every parcel of land forfeited under the provisions of the preceding section shall be subject to sale and redemption in the same time and manner as lands forfeited for non-payment of interest.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 129.]

AN ACT to amend sections five and six of chapter two hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's sections seven thousand seven hun-

dred and ninety-seven and seven thousand seven hundred and ninety-eight, relative to trespass on the public lands.

SECTION 1. *The People of the State of Michigan enact*, That sections five and six of chapter two hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's sections seven thousand seven hundred and ninety-seven and seven thousand seven hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

(7797.) SEC. 5. All prosecutions under this act may be either by indictment or information in the circuit court for the county in which the offense was committed, or such other county as the same may be removed to, as hereinafter provided, but no such indictment or information shall be filed until the accused party has been held for trial upon a preliminary examination, had within the county where the alleged offense was committed, as in other prosecutions for felony. When any such accused party is held for trial upon any such preliminary examination, the commissioner of the circuit court in which any such prosecution may be pending, may, on the motion of the prosecution made by the prosecuting attorney, attorney general, or commissioner of the state land office, for cause shown, change the venue thereof to any county in this state, and thereby transfer said cause to any county in this state for trial, in all respects the same, and for the same causes that said courts are now authorized to change the venue in criminal cases on motion of the defendant.

(7798.) SEC. 6. Any person having knowledge of sufficient facts may make a complaint for commencing a prosecution under this act, the same as in other criminal prosecutions, and the same proceedings shall thereupon be had, and whenever the commissioner of the state land office shall suspect that an offense has been committed against any of the provisions of this chapter he shall make an affidavit and file the same with any justice of the peace of the county where the offense shall be suspected to have been committed, specifying the offense, and naming the person or persons suspected of having committed the same, and if he shall be unable of his own knowledge to state sufficient facts and circumstances to authorize the issuing of a warrant, such magistrate shall, after the filing of such affidavit, issue subpoenas directed to and compel in the usual manner the attendance of witnesses, who may be required to testify to the best of their knowledge concerning such facts and circumstances, and if it shall appear to such magistrate from such affidavit, or from the examination of such witnesses, as the case may be, that an offense has been committed against any of the provisions of this chapter, he shall issue a warrant directed to the sheriff or any constable of the county, reciting the substance of the accusation, and commanding him forthwith to take the person accused of having committed such offense, and bring him before such magistrate to be dealt with according to law, and the same warrant may require the officer to summons [summon] such witnesses as shall be therein named. All further proceedings taken in any cause so

Practice of proceedings. commenced, shall be according to the practice now or hereafter prescribed by law for the examination of offenses not cognizable by justices of the peace. The legal fees of the magistrate, officers and witnesses necessarily incurred in such examination, other than Fees. such costs as may be incurred after such cause shall have been transferred to the circuit or district court, shall be paid by the To be paid by state. state treasurer on the warrant of the auditor general, to whom the taxed bill shall be delivered, duly certified to be correct and just by the attorney general or prosecuting attorney of the county.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 130.]

AN ACT to provide for the incorporation of a grand council of the Royal Arcanum.

Council may be incorporated. SECTION 1. *The People of the State of Michigan enact*, That the grand council of the Royal Arcanum of the state of Michigan may be incorporated in pursuance of the provisions of this act.

Who may incorporate. SEC. 2. Any ten or more persons, residents of this state, being members of the grand council of the Royal Arcanum of the state of Michigan, desirous to be [become] incorporated, may make and execute articles of association, under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:

What articles to set forth. *First*, The names of the persons associating in the first instance and their places of residence;

Second, The corporate name by which such association shall be known in the law, and the place of its business office;

Third, The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the grand council of the Royal Arcanum, and the period for which it is incorporated, not exceeding thirty years.

Where articles filed, etc. SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand council, shall be filed with the secretary of state, and thereupon the persons who shall have signed such articles of association, their associates and successors shall be a body politic and corporate by the name expressed in such articles of association, and by that name, they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold and enjoy, to them and their successors, estates, real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the sum of ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise, and dispose of [said] real and personal estate, or part thereof, at their will and pleasure, and the proceeds,

Proviso—value of real estate.

rents and incomes shall be devoted exclusively to the charitable and benevolent purposes of the grand council of the Royal Arcanum. Said corporation shall have full power to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this state or of the United States, and to designate, elect, or appoint from its members such officers, under such name and style as shall be in accordance with the constitution of the supreme council of the Royal Arcanum.

Power of corporation.

SEC. 4. A copy of the record of such articles of association, under the seal of the state, duly certified according to law, shall be received as *prima facie* evidence in all courts of this state of the existence and due incorporation of such corporation.

Copy of record
prima facie
evidence.

SEC. 5. Such corporation, when duly formed, shall have power to institute and charter subordinate councils of said order within this state, and, from time to time, to make, ordain, constitute, and establish such general laws and by-laws, ordinances and regulations for the government of such subordinate councils not repugnant to law or to the constitution or regulations of the grand council of the Royal Arcanum, as to them shall seem proper and necessary; and in case of violation or non-compliance with such ordinances, by-laws and regulations, to revoke and annul the charter granted to such subordinate councils: *Provided*, That the existing subordinate councils heretofore duly chartered by the grand council of Michigan or the supreme council, shall be subject to the control of the said grand council under this act as heretofore, and in the same manner and to the same extent as those that may hereafter be instituted and chartered under this act.

Power of corporation as to subordinate councils.

Provided.

SEC. 6. Any nine or more persons, residents of this state, being members of any subordinate council, having been duly chartered by the grand council of this state, desirous to become incorporated, may make and execute articles of association under their hands and seals, specifying as provided in article two of this act, and file a copy of such articles with the clerk of the county in which such corporation shall be formed; which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal and change and alter [the same] at pleasure, and a certified copy of the record of such articles of association under the seal of the county where the record is kept shall be received as *prima facie* evidence in all courts in this state of the existence and due incorporation of such corporation: *Provided*, That the value of such real [and personal] estate shall not exceed the sum of one thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or

Articles of incorporation of subordinate councils.

Copy, where filed and recorded.

Certified copy of record evidence.

Provided—value of real estate.

part thereof, at their will and pleasure, and the proceeds, rents and income shall be devoted exclusively to the charitable and benevolent purposes of the order of Royal Arcanum.

Halls for use of councils.

SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, building or hall, as [to] such corporation shall seem proper, with convenient rooms for the meetings of the councils of the order of Royal Arcanum, and for that purpose may create a capital stock of not more than ten thousand dollars, to be divided into shares of not more than ten dollars each.

Corporations subject to chapter one hundred and thirty compiled laws.

SEC. 8. All corporations formed under this act shall be subjected [subject] to the provisions of chapter one hundred and thirty of the compiled laws of this state, so far as the same may be applicable to corporations formed under this act, and the legislature may alter or amend this act at any time.

SEC. 9. This act shall take immediate effect.

Approved May 31, 1879.

[No. 131.]

AN ACT to authorize the board of managers of the state house of correction and reformatory to transfer a portion of the appropriation made for buildings in the year one thousand eight hundred and seventy-seven, for the purchase of real estate contiguous thereto.

Board may transfer from balance of appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the board of managers of the state house of correction and reformatory, are hereby authorized to transfer from the balance that may remain on hand after finishing the buildings as contemplated by act number fifty-nine of the session laws of one thousand eight hundred and seventy-seven, approved April twentieth, one thousand eight hundred and seventy-seven, a sum not exceeding four thousand dollars to be invested in the purchase of real estate adjoining or contiguous to the land now belonging to the said institution: *Provided*, The said board of managers shall in their judgment consider it for the interests of said institution so to do.

Amount to be transferred.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 132.]

AN ACT to amend section eight hundred and seventy of the compiled laws of eighteen hundred and seventy-one, being section forty-three of chapter eighteen, entitled "An act for the re-organization of the military forces of the state of Michigan," entitled a bill to amend section eight hundred and seventy of the compiled laws of eighteen hundred and seventy-one, and section

nine hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number fifty-five of the session laws of eighteen hundred and seventy-five, relative to the military forces of the state of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section eight hundred and seventy of the compiled laws of eighteen hundred and seventy-one, and section nine hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number fifty-five of the session laws of eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

(870.) SEC. 43. The pay and allowance of all officers in time of actual service, shall be the same as the pay and allowances of officers of the same grade in like corps in the army of the United States. No officer shall receive pay except when on duty in actual service other than provided by law. Captains of companies shall draw pay from the date of their bonds, hereafter to be given, for the care, safe keeping and accountability of their arms when their bonds shall have been accepted and approved, at the rate of fifty dollars per year, payable yearly by the quartermaster general. The quartermaster of each regimental or battalion organization in this state, shall receive for their services as such, the sum of fifty dollars per year, payable yearly by the quartermaster general. The term of enlistment shall be three years, except for actual service, which shall be for the period of such service, or three years, at the discretion of the person enlisted, if no other term be prescribed by the commander-in-chief. Rate of compensation of officers. Not to receive pay unless on duty. Pay of captains to begin with date of bonds. Regimental quartermaster. Term of enlistment.

SEC. 924. There is hereby appropriated, out of any money in the treasury to the credit of the military fund not otherwise appropriated, the following sums for the salaries of the military officers herein named, for the year eighteen hundred and seventy-nine and annually thereafter: For the salary of the adjutant general, the sum of ten hundred dollars; for the salary of the quartermaster general, the sum of ten hundred dollars; for the salary of the inspector general, the sum of ten hundred dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses, not exceeding one hundred and fifty dollars. Appropriation for salaries. Salaries.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 133.]

AN ACT to establish an institution under the name and style of the Michigan Reform School for Girls.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation.
 there shall be established in this state an institution under the name and style of the Michigan Reform School for Girls, and that the sum of thirty thousand dollars is hereby appropriated from the

	general fund, for purchasing and preparing the grounds, and the erection of suitable buildings therefor, and to pay the current expenses of the said reform school.
Board of control.	SEC. 2. The general supervision and government of said reform school, shall be vested in a board of control to consist of four women and two men, who shall be appointed by the governor, by and with the advice and consent of the senate. The members of
Term of office, etc.	said board shall hold their offices for the respective terms of two, four, and six years from the first day of April, in the year of our Lord eighteen hundred and seventy-nine, and until their successors shall be appointed and qualified, said respective terms to be designated in their several appointments; and thereafter there shall be two of said board appointed every two years, whose term of office shall continue for six years, or until their successors are appointed
Body corporate.	and qualified. The members of said board of control shall constitute a body corporate under the name and style of "The Michigan Reform School for Girls," with the right of suing and being sued, of making and using a common seal, and of altering it at pleasure.
Procuring of site for school.	SEC. 3. The said board of control are hereby empowered to select, procure and establish with all convenient dispatch, a site for said reform school, and the right of way for suitable drainage therefrom; and for that purpose they are also hereby authorized to receive proposals for the donation of lands, money, or building materials, for the location and erection of said school, in behalf of the state and for the benefit of said institution: <i>Provided</i> , That
Proviso.	said site shall contain not less than twenty-five acres of land, and that good and sufficient titles to any lands thus granted, and securities for the payment of the money, and delivery of the materials thus donated, shall be obtained by said board before any such site shall be fully established.
Certificate of determination, conveyances, etc., where deposited.	SEC. 4. The said board having established a site for said institution, shall immediately deposit a certificate of their determination, together with all conveyances of lands granted, and securities for moneys or materials donated, in the office of the auditor general.
Plans for buildings, etc.	They shall also prepare and adopt a plan for the grounds, buildings and fixtures necessary for such institution, of such form, dimensions, style and finish, as when completed, shall come within the cost and limit of the sum hereinbefore appropriated.
Proposals for erection of building, etc.	SEC. 5. Said board of control shall advertise for proposals for the erection and furnishing of such buildings or parts thereof, as may be necessary for the reception, confinement and discipline of girls, and upon the reception of such proposals, they may in their discretion, make contracts with the lowest responsible bidders, taking into consideration the price, time of performance, and the responsibility of the contractors and their sureties. Said contracts when executed, to be deposited in the office of the auditor general.
Contracts, where deposited.	SEC. 6. Said board shall make out and deliver to the secretary of state, on or before the first day of January in each year hereafter, a detailed statement of their operations and of all expenditures made by them. The traveling and other actual expenses
Statement of expenditures.	

necessarily incurred by the members of said board in the discharge of their duties, shall be audited and allowed by the board of state auditors and paid out of appropriations for said institution, by the treasurer thereof.

SEC. 7. It shall be the duty of the members of the board of control to meet annually at said reform school, on the first Wednesday of May in each year, and at said annual meeting they shall elect of their own body a chairman, and treasurer, and a clerk who may or may not be of their number. Said officers shall hold their offices for one year and until their successors shall be elected and qualified. The treasurer and clerk shall give such bonds as the board may direct and approve.

SEC. 8. It shall be the duty of the board to meet once every three months, and oftener if deemed advisable. They shall prepare, systematize and adopt a system of government for said reform school, embracing all such rules, regulations and general laws as may be deemed necessary for preserving order, for enforcing discipline, for imparting instruction, for preserving health, and for the proper physical, intellectual and moral training of the inmates. Said school shall be conducted on the family or cottage plan for girls from seven to twenty years of age, in which there must be thorough, systematic teaching of all domestic industries, which industries shall take precedence of trades, and be a thorough education in every branch of household work. All the officials and help for the internal management shall be composed entirely of women, unless otherwise ordered by the board.

SEC. 9. For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize one of their number to visit some similar institution now in operation and of the best repute, and by a personal inspection and investigation, to acquire an insight into the principles and practical working of the model system thus selected, for the information and benefit of said board.

SEC. 10. From and after the time that said institution shall be prepared for the reception of inmates, every girl over the age of seven years and under the age of twenty years, who shall be convicted before any court or magistrate of competent jurisdiction, of being a disorderly person, or of any offense not punishable by imprisonment for life, shall, except in cases deemed incorrigible, be sentenced to said reform school until she shall reach the age of twenty-one years, if such court or magistrate shall deem the girl so convicted, a fit subject to be committed to said school. The board of control shall have authority to make rules reducing, as a reward for good conduct, the time for which such girls shall have been sentenced. It shall be the duty of all courts and magistrates sentencing girls to said school, to certify to the keeper of said school the age of the person so committed as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such other manner as the court or magistrate shall direct.

SEC. 11. Before any sentence made by a police court or a justice

Expenses, how paid.

Annual meeting.

Election of officers.

Term of office.

Bonds of treasurer and clerk.

Conducting school.

On what plan to be conducted.

Internal affairs to be managed by women.

Visit to similar institutions.

What persons may be committed to school.

Rules.

Age of girls sentenced to be certified to keeper.

Approval of sentence by circuit or probate judge.

of the peace under this act shall be executed, it shall be approved by the circuit or probate judge of the county, and his approval endorsed on the warrant of commitment, and if such sentence shall be disapproved, the police court or justice of the peace shall have power to pronounce the ordinary sentence prescribed by law.

What girls shall be sent to school.

SEC. 12. From and after the time when said institution is ready for the reception of inmates, all girls between seven and twenty years of age who are now authorized to be sent to the reform school, or to a house of correction, under and by virtue of "An act establishing a state agency for the care of juvenile offenders," approved April twenty-ninth, eighteen hundred and seventy-three, shall be sent to said Michigan reform school for girls.

Discharge, etc., of inmates.

SEC. 13. It shall be lawful for the board of control, whenever in their discretion they may deem any of the inmates of said institution to have been so far reformed as to justify her discharge, to liberate such inmate, or to bind her by articles of indenture to any suitable person who will engage to educate said girl, and to instruct her in household work or in some proper art or trade, or said board may return any such girl to her parents or other guardians, when they shall have become bound to said board with sufficient sureties for her good behavior and care, or said board may place any such girl in the care of any resident of this state who is the head of a family and of good moral character, but on such terms and conditions as the board may prescribe.

When girl incorrigible.

SEC. 14. Any girl who may be found incorrigible or an improper subject for admission to said institution, may be returned by the board to the court or magistrate by whom said girl was committed or his successor in office, and thereupon such court or magistrate shall have power to pass such sentence as would have been legal in the first instance if said girl had not been sent to said school.

Register of names to be open for inspection.

SEC. 15. It shall be the duty of said board of control to provide and always keep open for inspection of all persons desiring to examine it, a book in which shall be registered the names, ages and religion professed, of the girls received in said reform school, the date of their reception and of their leaving, the names and residence of their parents, and whether such girls were apprenticed, placed in a family, or otherwise, and if placed in a family or apprenticed, the name, residence and occupation of the head of such family, or person to whom she was apprenticed.

Biennial report.

SEC. 16. Said board of control shall make out biennially, and report to the legislature at its regular session, a detailed statement of the operations of said institution, for the two years closing with the fiscal year preceding said session, which shall include a report of the treasurer of the board of all receipts and disbursements for the same period.

Assessment to meet appropriation.

SEC. 17. There shall be assessed upon the taxable property of the state in the year one thousand eight hundred and seventy-nine, the sum of twenty thousand dollars, and in the year one thousand eight hundred and eighty, the sum of ten thousand dollars, to be assessed and levied in like manner as other state taxes are by law

levied, assessed and paid, which tax when collected shall be credited up to the general fund, to reimburse to the same, the sum to be drawn therefrom as provided in this act, and any sums drawn from the treasury under the provisions of this act, before the taxes herein authorized are collected, shall be returned when such taxes are collected.

SEC. 18. This act shall take immediate effect.

Approved May 31, 1879.

[No. 134.]

AN ACT to provide for the sale and rental of the old capitol property and to dispose of the proceeds thereof.

SECTION 1. *The People of the State of Michigan enact,* That the board of state auditors be and they are hereby authorized and empowered to sell the block of lots upon which the old capitol is situated, with the buildings thereon, or any part thereof, in such parcels and upon such terms as said board may deem expedient; and the said board may in its discretion, rent or lease said buildings or any portion thereof to such persons and upon such terms as they shall deem proper; and for such purpose they are hereby authorized to make such repairs or alterations in any of said buildings as may be necessary.

Board of auditors
authorized to
sell or rent.

SEC. 2. All moneys collected on account of the sale or lease of the property described in the preceding section shall be paid into the state treasury, and placed to the credit of the general fund; and all accounts for repairs or alterations shall be audited, and allowed by the board of state auditors, and paid out of the general fund in the state treasury.

Moneys to be
paid to state
treasurer.

Accounts for
repairs, etc.

SEC. 3. This act shall take immediate effect.

Approved May 31, 1879.

[No. 135.]

AN ACT for the purchase of a full-length portrait of the late Douglass Houghton, first geologist of the state of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the board of state auditors, together with the governor, be and are hereby authorized to negotiate with professor A. Bradish and purchase the full-length portrait of the late state geologist, Douglass Houghton: *Provided,* That the purchase price shall not exceed one thousand dollars.

Purchase of
painting auth-
orized.

Proviso.

SEC. 2. The state treasurer is required to pay the purchase price thereof out of funds not otherwise appropriated, on the order of the governor duly drawn on him.

Treasurer to pay
purchase price.

SEC. 3. This act shall take immediate effect.

Approved May 31, 1879.

[No. 136.]

AN ACT to authorize and empower the board of control of state swamp lands to make an appropriation of state swamp lands, for the construction of a state road from Cheboygan, in Cheboygan county, to Cross Village, in Emmet county.

Board of control
authorized to
appropriate land.

Line of road.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands are authorized and empowered if by them deemed expedient and to the interest of the state, and especially to the section of country to be benefited thereby, and for the purpose of drainage and reclamation, to appropriate not to exceed one and one-half sections of state swamp lands per mile, for the construction of a state road commencing at the southeast corner of section thirty-six, township thirty-eight north of range two west, thence running west on the lines between townships thirty-seven and thirty-eight north or as near thereto as may be practicable to Lake Michigan: *Provided*, That said road shall be constructed and such expenditure shall be made in pursuance of the provisions of law relative to the construction of swamp land state road and drains under the supervision of the state swamp land commissioner and said board of control.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 137.]

AN ACT to authorize and empower the board of control of state swamp lands to make an appropriation of state swamp lands to aid in the improvement of Black river, in Cheboygan county.

Board of control
authorized to
appropriate land.

Proviso.

Further powers
of board.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands be and are hereby authorized and empowered, if by them deemed expedient and to the interests of the state, and especially to the section of country to be benefited thereby, and for the purpose of drainage and reclamation, to appropriate not to exceed fifteen sections of state swamp lands to any company or corporation that shall, by the construction of proper dams and locks across and in Black river, in Cheboygan county, so improve the navigation of said river as to admit the convenient passage therein and along said river, from Black lake to the Cheboygan river, of boats, vessels, and other water craft drawing three feet of water, and having a width of seventeen and one-half feet, and a length of eighty feet: *Provided*, Such improvement shall be made and completed on or before the first day of July, eighteen hundred and eighty-one.

SEC. 2. To further the making of said improvement, and for the better protection of the interest of the state, the board of control as aforesaid shall have full power and authority over said lands, the reservations necessary, and the limitations and privileges requisite in the application of such lands to such purpose, and

shall be governed, as near as may be and not otherwise provided by this act, by the provisions of law relating to the construction of swamp land state roads and drains.

SEC. 3. This act shall take immediate effect.

Approved May 31, 1879.

[No. 138.]

AN ACT to provide for rebuilding and refurnishing the state normal school buildings, in case of loss or damage by fire.

SECTION 1. *The People of the State of Michigan enact*, That the state board of education be authorized and full power is hereby given to said board of education to rebuild and refurnish the state normal school buildings, in case of loss or damage by fire, out of any funds or means designated or set apart for that purpose. Board of education authorized to rebuild in case of fire.

SEC. 2. All insurance moneys or means collected, received or made available at any time, from policies of insurance, or by reason of insurance policies upon the said normal school buildings and property shall be and the same are hereby designated and set apart as a fund or means for rebuilding and refurnishing the said buildings. Insurance moneys set apart as a building fund.

SEC. 3. Six hundred dollars is hereby appropriated from the general fund for the purpose of insuring the said state normal school buildings and contents, to be drawn from the state treasury on the order of the state board of education. Appropriation for insurance.

SEC. 4. The auditor general shall incorporate the said sum of three hundred dollars in the state tax for the year eighteen hundred and seventy-nine, and a like sum for the year eighteen hundred and eighty. To be incorporated in state tax.

SEC. 5. This act shall take immediate effect.

Approved May 31, 1879.

[No. 139.]

AN ACT to amend an act entitled "An act to establish a police court in the city of Detroit," as amended by act number one hundred and eighty-four of the laws of eighteen hundred and sixty-three, and to add a new section thereto, to stand as section twelve of said act.

SECTION 1. *The People of the State of Michigan enact*, That section eight of the act entitled "An act to establish a police court in the city of Detroit," approved April second, eighteen hundred and fifty, as amended by act number one hundred and eighty-four of the laws of eighteen hundred and sixty-three, be and it is hereby amended so as to read as follows: Section amended.

SEC. 8. There shall be a clerk of said court, who shall be appointed by the common council of the city of Detroit on the recommendation of the said police justice, who shall receive such Appointment clerk.

Salary.	salary as such common council may prescribe, which shall be allowed and paid in the same manner as provided for the payment of the police justice; he shall give a bond to the people of the state in the penal sum of two thousand dollars, to be approved by said common council, for the faithful discharge of the duties of his office. It shall be his duty to keep a true record of the proceedings of said court, in proper books to be provided therefor, and file and safely keep all books and papers belonging or pertaining to said court; he shall have power generally to administer oaths and take affidavits; it shall also be the duty of said clerk to receive all costs, fines and dues of every description, from either party to complaints or prosecutions before said police court, and which by law are taxable as justices' costs, and shall pay the same weekly to the county treasurer of the county of Wayne, and shall take his receipt therefor; and all fines or other moneys coming to his hands shall be paid out and disposed of as is now provided by law, with reference to justices of the peace.
Bond.	
Record of proceedings, etc.	
May administer oaths.	
To receive and pay over costs, etc.	
Section added.	SEC. 2. There shall be added to said act a new section, to stand as section twelve of said act, and to read as follows:
Trial of cases.	SEC. 12. On the return of a warrant, in all cases which by law the said police justice has jurisdiction to hear and determine, he shall proceed to hear and determine the cause, within one week after the return of such warrant in all cases where the accused shall be in custody for want of bail, unless it shall be made to appear, to the satisfaction of said police justice that a continuance for a further time should be had, in which case the said police justice may adjourn the cause to such time, not exceeding in all thirty days from the return of such warrant, as in his judgment the ends of justice may require. In all cases which by law the said police justice has or may have jurisdiction to hear and determine, where none of the defendants are in custody for want of bail, he shall proceed to hear and determine the same within thirty days from the return of the warrant in such cause. The said police justice shall have power, upon his own motion, for any reason deemed by him sufficient, to adjourn any such case, except where the accused or one of them shall be in custody for want of bail for any period not exceeding thirty days from the return of the warrant in such case. The expiration of the time limited in this section for the trial of causes before said police justice, while any such case is in the course of trial, shall not thereby deprive the said police justice of jurisdiction of the same, but he shall, notwithstanding, proceed with the hearing of said cause, and determine the same in like manner and with like effect, as though the period limited as aforesaid had not expired.
Adjournment.	
Limit of.	
	SEC. 3. This act shall take immediate effect.
	Approved May 31, 1879.

[No. 140.]

AN ACT to amend section one of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state."

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," be amended so that the same shall read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for any number of persons, not less than seven, to organize themselves into a corporation for the purpose of constructing, operating and maintaining a railroad, railroad bridge or railroad tunnel; and for such purpose such persons shall subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to be continued, the amount of capital stock of said company, which shall not be less than four thousand dollars per mile of road constructed, or proposed to be constructed, with flat-bar rail, or with a gauge not exceeding three feet six inches in width, and not less than eight thousand dollars per mile of road constructed or proposed to be constructed, of "T" rails with gauge exceeding three and one-half feet in width, and not less than one-half the estimated cost of any such bridge or tunnel, the number of shares of which the stock shall consist, which shall be the amount of one hundred dollars each; the number of directors, which shall not be less than five nor more than fifteen, and their names; the place from and to which, and the name of each county into or through which it is or is intended to be constructed, and its length as near as may be. Each subscriber to such articles of association, shall set opposite his name his place of residence, and the number of shares of stock by him subscribed. Whenever five hundred dollars per mile of such railroad, or one-half the estimated cost of such bridge or tunnel shall have been subscribed upon such articles of association, and five per cent. of the amount thereof shall have been paid into the directors named in such articles, in good faith, in cash, and an affidavit shall have been made and attached thereto by any two of said directors, that said amount has been subscribed, and said amount of five per cent. paid in, in good faith, in cash, as before provided, such articles of association shall be filed in the office of the secretary of state, and thereupon the persons who have subscribed such articles, and all other persons who shall from time to time thereafter subscribe to or become the holders of the Number of persons necessary to organize.
What articles of association to set forth.
Subscribers to articles.
Amount necessary to be subscribed.
Where articles filed, etc.

capital stock of said corporation, in the manner to be provided in its by-laws, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding and conveying any real and personal property whenever necessary for the construction, maintenance and operation of said railroad, and for the erection of all necessary buildings, yards and appurtenances for the use of the same.

SEC. 2. This act shall take immediate effect.

Approved May 31, 1879.

[No. 141.]

AN ACT to amend section one of act number one hundred and seventy-seven, approved May first, eighteen hundred and seventy-five, entitled an act to release witnesses in criminal cases from giving bail.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and seventy-seven, approved May first, eighteen hundred and seventy-five, entitled "An act to release witnesses in criminal cases from giving bail," be and the same hereby is amended so as to be and read as follows:

When witnesses in criminal case to give bail.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be necessary in any criminal case for any witness to give bail for his appearance as a witness in such cause, unless required to do so by the order of a judge of a court of record, or a circuit court commissioner. All laws contravening this act are hereby repealed.

Approved January 29, 1879.

[No. 142.]

AN ACT to amend section three of chapter fifty-eight, compiled laws of eighteen hundred and seventy-one, being compiler's number two thousand and fifteen relating to estray beasts.

Section amended.

[SECTION 1.] *The People of the State of Michigan enact*, That section three of chapter fifty-eight, being section two thousand and fifteen of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

When horses, mules, etc., going at large may be taken up.

(2015.) SEC. 3. It shall be lawful for any resident freeholder of any township in this state to take up any stray horses, mules, or asses, by him found going at large in such township, beyond the range where such horses, mules, or asses usually run at large: and also to take up between the first day of November and the thirty-first day of March, any stray neat cattle, sheep or swine, by him

When neat cattle, sheep or swine may be taken up.

found going at large therein, beyond the range where such animals usually run at large.

Approved January 30, 1879.

[No. 143.]

AN ACT to facilitate the transfer to the United States of the title to the Antietam National Cemetery, in the state of Maryland.

SECTION 1. *The People of the State of Michigan enact*, That the state of Maryland be and is hereby authorized to convey to the United States all the right, title, and interest of the state of Michigan in and to the land occupied by the Antietam National Cemetery in the county of Washington, in the said state of Maryland, and if the said state of Maryland shall have already made such transfer of title to the United States, the assent thereto of the state of Michigan is hereby granted. State of Maryland authorized to convey.

SEC. 2. The governor of this state is requested to transmit a copy of this act to the president of the United States and to the governor of the state of Maryland. Governor to transmit copy of act.

Approved January 30, 1879.

[No. 144.]

AN ACT to repeal section seventeen hundred and ninety-nine (1799) of chapter forty-eight (48) of the compiled laws of eighteen hundred and seventy-one, relative to establishing water courses and locating ditches or drains.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of an act to authorize the election of a township drain commissioner in each organized town, and to authorize him to locate, establish and construct ditches, drains and water-courses in his respective town, and to repeal all other drainage laws in relation thereto, approved April thirteen, eighteen hundred and seventy-one, being compiler's section one thousand seven hundred and ninety-nine, in chapter forty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby repealed. Section repealed.

Approved January 30, 1879.

[No. 145.]

AN ACT to amend section one thousand seven hundred and forty of the compiled laws of one thousand eight hundred and seventy-one, the same being section forty-nine, of chapter forty-six, relative to boards of health in cities and villages.

SECTION 1. *The People of the State of Michigan enact*, That

Section
amended.

section one thousand seven hundred and forty, being section forty-nine of chapter forty-six of the compiled laws of one thousand eight hundred and seventy-one, be and the same is hereby so amended as to read as follows:

Board of health
in cities and
villages, who to
constitute.

SEC. 2. (1740.) SEC. 49. The mayor and aldermen of each incorporated city, and the president and council, or trustees of each incorporated village in this state, in which no board of health is organized under its charter, shall have and exercise all the powers and perform all the duties of a board of health as provided in this chapter, within the limits of the cities or villages, respectively, of which they are such officers. The provisions of this chapter, and the amendments thereto, shall, as far as applicable, apply to all cities and villages in this state, and all duties which are, by the provisions of this chapter, to be performed by the board of health of townships, or by the officers and inhabitants thereof, shall in like manner be performed by the board of health and the officers and inhabitants of such cities and villages, with a like penalty for the non-performance of such duties, excepting in cases where the charters of such cities and villages contain provisions inconsistent herewith.

Approved February 11, 1879.

[No. 146.]

AN ACT to authorize boards of health of cities, villages and townships to furnish vaccination to the inhabitants thereof.

Board of health
authorized to
furnish vaccin-
ation.

SECTION 1. *The People of the State of Michigan enact*, That the board of health of each city, village and township, may at any time direct its health officer or health physician to offer vaccination with bovine vaccine virus to every child not previously vaccinated, and to all other persons who have not been vaccinated within the preceding five years, without cost to the persons [person] vaccinated, but at the expense of such city, village or township, as the case may be.

Approved February 15, 1879.

[No. 147.]

AN ACT to amend section thirty-three of chapter one hundred and eighty-eight, of the compiled laws of one thousand eight hundred and seventy-one, being compiler's section five thousand eight hundred and seventy-nine, relative to affidavits taken and other judicial proceedings had in other states, and countries.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-three of chapter number one hundred and eighty-eight, of the compiled laws of one thousand eight hundred and seventy-one, being compiler's section five thousand eight hundred and seventy-nine, be amended so as to read as follows:

SEC. 33. In cases where by law the affidavit of any person residing in another state of the United States, or in any foreign country, is required, or may be received in judicial proceedings in this state, to entitle the same to be read, it must be authenticated as follows: Affidavits taken in other states, how authenticated.

First, It must be certified by some judge of a court having a seal, to have been taken and subscribed before him, specifying the time and place where taken;

Second, The genuineness of the signature of such judge, the existence of the court, and the fact that such judge is a member thereof, must be certified by the clerk of the court, under the seal thereof; or,

Third, If such affidavit be taken in any other of the United States, or in any territory thereof, it may be taken before a commissioner duly appointed and commissioned by the governor of this state to take affidavits therein, (or before any notary public or justice of the peace authorized by the laws of such state to administer oaths therein. The signature of such notary public or justice of the peace, and the fact that at the time of the taking of such affidavit the person before whom the same was taken was such notary public or justice of the peace, shall be certified by the clerk of any court of record in the county where such affidavit shall be taken, under the seal of said court.)

Approved February 15, 1879.

[No. 148.]

AN ACT to amend chapter two hundred and eighteen of the compiled laws of one thousand eight hundred and seventy-one, "relative to foreclosure of mortgage by advertisement," by adding thereto a new section, to stand as section number nineteen.

SECTION 1. *The People of the State of Michigan enact*, That Section added. chapter two hundred and eighteen of the compiled laws of one thousand eight hundred and seventy-one, relative to foreclosure of mortgages by advertisement, be amended by adding thereto the following section, to stand as section nineteen:

SEC. 19. Upon the payment of the entire sum bid at such sale, and the interest thereon and expenses as in section eleven of this act mentioned, to the register of deeds of the county in whose office the sheriff's deed shall have been deposited, the register of deeds shall give notice of such payment, by mail or otherwise to the purchaser, his agent or attorney. Notice of payment to be given to purchaser.

Approved February 15, 1879.

[No. 149.]

AN ACT to amend section one hundred and sixty-seven of chapter one hundred and seventy-eight, being section five thousand four

hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, relative to justices' courts.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and sixty-seven of chapter one hundred and seventy-eight, being section five thousand four hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, relative to justices' courts, be amended so as to read as follows:

What notice shall contain.

(5415.) SEC. 167. Such notice shall describe the goods and chattels, and shall contain the names of the parties to the suit upon which the execution issued, and shall be put up at least five days before the time appointed for the sale.

Approved February 17, 1879.

[No. 150.]

AN ACT to authorize the commissioner of the state land office to restore to market certain state swamp lands in Gratiot county.

Lands to be restored to market.

SECTION 1. *The People of the State of Michigan enact*, That the commissioner of the state land office be and is hereby authorized and directed to restore to market all lands which stand reserved on the books of his office, on account of the ditch or drain constructed under the provisions of act number four hundred and forty-five of the session laws of one thousand eight hundred and seventy-one, entitled "An act providing for the construction of a ditch or drain in the townships of Newark and Arcada, in the county of Gratiot, and appropriating swamp lands for the construction of the same:" *Provided*, That if the person or persons to whom said lands stand reserved shall on or before the first day of September, one thousand eight hundred and seventy-nine, pay to the commissioner of the state land office the amount due thereon, including all taxes, the said commissioner shall issue his certificate of purchase for the lands herein mentioned: *Provided further*,

Proviso.

Further proviso.

That the commissioner is hereby authorized to restore to market all state swamp land in Gratiot county reserved on contract, when the records of his office show that the contracts have been completed for two years or over.

Approved February 17, 1879.

[No. 151.]

AN ACT to amend section thirteen of chapter one hundred and eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand and sixty-six, relating to churches and religious societies.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of chapter one hundred and eight of the compiled

laws of eighteen hundred and seventy-one, being compiler's section three thousand and sixty-six, be amended so as to read as follows:

(3066.) SEC. 13. The said trustees shall hold their office for three years, and until their successors shall have been elected and entered upon the discharge of their duties; and immediately after their first election, as hereinbefore provided, the said trustees shall be divided by lot into three classes, numbered one, two and three; and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, to the end that as near as may be, one-third part of the whole number of trustees may be annually chosen: *Provided, however,* That any persons entering into articles of association as aforesaid, may provide in said articles for the election of the whole board of trustees once in each year, at such time as they may appoint, in the manner above prescribed, and said whole number may be elected in conformity to such provisions.

Trustees, term of office.

To be determined by lot.

Proviso as to annual election of full board.

Approved February 21, 1879.

[No. 152.]

AN ACT to amend section twenty-three of chapter twenty-five, of the compiled laws of eighteen hundred and seventy-one, section twelve hundred and forty-eight, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, relating to blanks furnished by the auditor general to the commissioner of highways.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-three, compiler's section twelve hundred and forty-eight, of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five, be so amended as to read as follows:

(1248.) SEC. 23. It shall be the duty of the auditor general, at the time of transmitting blanks for the use of the supervisors in making out their assessments, to transmit blanks with proper heading for the use of the commissioner of highways in making lists of highway taxes. Said blanks shall also have printed thereon all the sections or parts of sections of the laws relating to the duties of overseers of highways; he shall also transmit blanks for the proper return of overseers mentioned in section [sections] fifteen and seventeen of this chapter.

Section amended.

Auditor general to furnish blanks for commissioner of highways.

Laws to be printed on blanks.

Approved February 21, 1879.

[No. 153.]

AN ACT to amend section one hundred and sixty-six of chapter one hundred and seventy-eight of the compiled laws, being sec-

tion five thousand four hundred and fourteen, relative to courts held by justices of the peace.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and sixty-six of chapter one hundred and seventy-eight of the compiled laws, being compiler's section five thousand four hundred and fourteen, relative to courts held by justices of the peace, be and is hereby amended so as to read as follows:

Indorsement on execution of time of levy.
Notice.

(5414.) SEC 166. The constable after taking goods and chattels into custody by virtue of an execution, shall indorse thereon the time of levying the same, and immediately give public notice by advertisement signed by himself and put up at three public places in the city, village or township where such goods and chattels were levied upon, and in case the sale be made in any other city, village or township than that in which the levy was made, also in the city, village or township where said goods and chattels are to be sold, when and where they will be exposed for sale; and the said officer shall in no case remove said goods and chattels out of the county where said levy shall have been made.

Goods not to be removed from county where levy made.

Approved February 21, 1879.

[No. 154.]

AN ACT relative to the salaries of county officers.

When salaries of county officers to be fixed.

SECTION 1. *The People of the State of Michigan enact*, That the annual salaries of all salaried county officers, which are now or may be hereafter by law fixed by the board of supervisors, shall be fixed by said board on or before the thirty-first day of October prior to the commencement of the term of such officers, and the same shall not be increased or diminished during the term for which such officers shall have been elected or appointed.

Approved February 27, 1879.

[No. 155.]

AN ACT to provide for the incorporation of benevolent societies.

How incorporated.

SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons, residents of this state, desiring to become incorporated for benevolent purposes, may make and execute, under their hands and seals, articles of association, which said articles of association shall be acknowledged before some officer of this state having authority to take acknowledgments of deeds, and shall set forth:

Articles of association.

First, Names and places of residence of the persons forming the association;

Second, The name of such corporation and the place where its office for the transaction of business is located;

Third, The purposes and objects for which said corporation is

formed, which shall be to provide for the relief of distressed members, the visitation of the sick, the burial of the dead, and such other benevolent and worthy purposes and objects as affect the members of the corporation, the period for which said corporation is formed, which period shall not exceed thirty years.

SEC. 2. A copy of said articles of association shall be filed with the county clerk of the county in which said corporation is formed, and its office for the transaction of its business is located, and shall be recorded by the clerk in the books kept by said clerk for the recording of articles of association, and for such record the clerk shall receive the fee of one dollar. A copy of said articles of association shall also be filed in the office of the secretary of state at Lansing: *Provided*, There shall be attached to said last mentioned copy before the same is filed a certificate, under the hand and seal of [the] said county clerk, reciting the fact that a copy of said articles of association has been filed and recorded in his office, together with the date of filing and recording the same, and thereupon the persons signing said articles of association, their associates and successors, shall be a body politic and corporate by the name and title expressed in said articles of association; and by that name they, and their associates and successors, shall have succession, shall be persons in law, capable of suing and being sued, and they and their successors shall have a common seal; and a certified copy of the record of said articles of association and clerk's certificate above referred to, under the hand and seal of the secretary of state, shall be received as *prima facie* evidence, in all courts of this state, of the existence and due incorporation of said corporation.

SEC. 3. Every corporation formed in pursuance of the provisions of this act shall be capable, in its corporate name, of purchasing, taking, receiving, holding, and enjoying to itself estates, both real and personal: *Provided*, The value of such real and personal estate when purchased or received shall not exceed the sum of fifty thousand dollars, and that it and its successors shall have full power and authority to give, grant, sell, mortgage, lease, devise and dispose of said real and personal estate, or any part thereof, and other estates, both real and personal, may acquire instead thereof, at its will and pleasure. Said corporation shall also have power to invest the funds of said organization in national, state or municipal bonds, or in real estate first mortgage loans, at such rates of interest as it can obtain not exceeding the legal rate of interest at the time of making such instrument [investment]. Such corporation shall also have power to erect suitable buildings upon such real estate as it may own, and as are necessary for the purpose of carrying on the business of the organization and to make the said estate remunerative; *Provided further, however*, That the proceeds arising from said estates and investments shall, after the payment of all running expenses, be devoted exclusively to the benevolent purposes and objects of the corporation: *Provided further*, That if any surplus remains unexpended the same may be invested as hereinbefore stated.

Copy of articles to be filed with county clerk and secretary of state.

Proviso.

Certified copy of record evidence.

Powers of corporation.

Proviso.

May invest funds.

Proviso as to disposition of proceeds.

May make rules,
regulations, etc.

SEC. 4. Said corporation shall have full power and authority to make and establish rules and regulations for the regulating and governing of the affairs and business of said corporation, and members thereof, not contrary to the laws of the United States or this state, to decide as to the necessary qualifications for and who shall be eligible to membership therein, to provide for the election of members, and to designate, elect, or appoint in such manner as they see fit, by their rules and regulations, such officers, under such names and style as they shall decide, who shall exercise such powers and such supervision, control and management of the affairs of such corporations as shall be delegated to them respectively, by the constitution, rules, regulations and by-laws of said corporations.

Benevolent societies now organized may reorganize under this law.

SEC. 5. Any benevolent society, now organized and in existence in this state, may reorganize and become incorporated in accordance with the provisions of this act, and may transfer, and are hereby authorized and empowered to convey to such reorganized corporation, such real and personal estate as they owned and possessed at the time of such reorganization: *Provided*, That when reorganizing and incorporating under the provisions of this act, the articles of association shall state that the persons executing the same are members of the society reorganizing, giving its name and location. And if said reorganized society desires to retain the name of the society reorganized, they may do so by adding thereto the word reorganized.

Proviso.

How name may be retained.

Report, to whom made.

SEC. 6. Any corporation formed under this act, shall, whenever required by the attorney general, secretary of state, or either house of the legislature, make a full and accurate report of its affairs to such officers or body requiring such report.

Approved March 20, 1879.

[No. 156.]

AN ACT to repeal act sixty-eight of session laws of eighteen hundred and seventy-seven entitled "An act to restrict the payment of contracts payable in swamp lands of the Upper Peninsula to the lands in the county in which the work done under the contract is performed."

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That the act entitled "An act to restrict the payment of contracts payable in swamp lands of the Upper Peninsula to the lands in the county in which the work done under the contract is performed," approved April the twenty-fifth, eighteen hundred and seventy-seven, be and the same is hereby repealed.

Approved March 26, 1879.

[No. 157.]

AN ACT relative to the duties of health officers in [of] cities and villages.

SECTION 1. *The People of the State of Michigan enact, That* Health officer to notify prosecuting attorney of penalties incurred.
 it shall be the duty of the health officer of each village and city in this state, whenever he shall know, or have good reason to believe that any penalty or forfeiture has been incurred within his city or village, by reason of neglect to comply with section one thousand seven hundred and thirty-four or section one thousand seven hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, forthwith to give notice thereof, in writing, to the prosecuting attorney of his county, which notice shall What notice to state.
 state, as near as may be, the time of such neglect, the name of the person incurring the penalty or forfeiture, and, as near as can be ascertained, the name or names of persons sick with a disease dangerous to the public health, and not reported as the law requires..

Approved April 1, 1879.

[No. 158.]

AN ACT to amend section twenty-one of chapter two hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section seventy-seven hundred and eleven, relative to offenses against chastity, morality, and decency.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section twenty-one of chapter two hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section seventy-seven hundred and eleven, be and the same is hereby amended so as to read as follows:

(7711.) SEC. 21. If any person, not being lawfully authorized Unlawfully removing, etc., of dead bodies.
 so to do, shall willfully dig up, disinter, remove or convey away any human body, or the remains thereof, from the place where such body may be interred or deposited, or shall knowingly aid in such disinterment, removal, or conveying away, every such offender, and every person accessory thereto, either before or after the fact, shall be punished by imprisonment in the state prison not more than ten years, or in the county jail not more than one year, or by fine not exceeding five thousand dollars. Any person or persons who shall furnish information which shall lead to the detection and conviction of any person offending under this section shall be entitled to receive a reward of fifty dollars therefor to be paid out of the county treasury of the county where such offense was committed, on the certificate of the judge of the circuit court in which such cause was tried and conviction had: Reward for information.
Provided, That but one reward shall be certified and paid therefor. Provide..

Approved April 3, 1879.

[No. 159.]

AN ACT to amend section one hundred and thirty-seven of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section thirty-six hundred and ninety-six, relating to primary schools, as amended by act number one hundred and sixty-seven of the laws of eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and thirty-seven of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section thirty-six hundred and ninety-six, relating to primary schools, as amended by act number one hundred and sixty-seven of the laws of eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

When non-resi-
dents may send
children to
school.

(3696.) SEC. 137. Any person who pays school taxes in a district in which he does not reside, shall have an equal right with the residents of such district to send scholars to a school in such district for such length of time as the amount of school taxes which he pays is proportionate to the amount per scholar of the cost of supporting the said school; said amount per scholar to be determined by dividing the amount of cost of maintaining said school by the number of children in the district between the ages of five and twenty years, as given in the annual report of the director for the preceding year.

Approved April 3, 1879.

[No. 160.]

AN ACT to amend section ninety-five of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine hundred and twenty-two, relative to the reorganization of the military forces of the state of Michigan, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, approved April eighteen, eighteen hundred and seventy-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ninety-five of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine hundred and twenty-two, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, approved April eighteen, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Auditor general
to draw warrant
for expenses.

(922.) SEC. 95. The auditor general shall, and he is fully authorized and empowered to draw his warrant upon the state treasurer for all expenses made or created under this act, upon the estimates of the quartermaster general or the paymaster general, approved by the commander-in-chief and the state military

board: *Provided*, That the accounts and vouchers for the expenditure of money drawn by the quartermaster general on previous estimates, shall be filed with and audited by the auditor general, before he shall issue his warrant for any new estimate: *Also provided*, That whenever by reason of any sudden emergency, it is necessary for the commander-in-chief to call out the troops, or any portion thereof, to suppress riots or disorders, money may be drawn upon the estimates of the quartermaster general, properly approved, without waiting for the auditing of accounts and vouchers on previous estimates.

Proviso.

Further proviso.

Approved April 3, 1879.

[No. 161.]

AN ACT to amend section thirty-one of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight hundred and fifty-eight, relative to the reorganization of the military forces of the state of Michigan, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight hundred and fifty-eight, relative to the reorganization of the military forces of the state of Michigan, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, be amended so as to read as follows:

Section amended.

(858.) SEC. 31. There shall be a state military board, consisting of the inspector general *ex officio*, and two other persons to be appointed by the commander-in-chief, who shall *ex officio* be members of the military staff of the commander-in-chief, with the rank of colonel, and hold their office for two years, or until their successors are appointed, unless sooner removed for misconduct. The state military board, in addition to the duties already prescribed, will constitute an advisory body to the commander-in-chief on all the military interests of the state; they shall inspect and report to the commander-in-chief on all estimates and accounts of and for the state troops, and audit all claims and accounts of a military character against the state; and no contract on behalf of this state, exceeding an expenditure of two hundred dollars for military purposes authorized by this act, shall be valid as against the state, until the same shall be approved by said board. Whenever necessary in the performance of their duties, any one of them shall have power to administer oaths. They are hereby further authorized and empowered to prepare and promulgate all articles, rules and regulations for the government of the state troops, not inconsistent with the laws of the United States or of this state, and which articles, rules and regulations, when approved

State military board.

Duties of board.

May administer oaths in certain cases.

by the commander-in-chief, shall be in force, and by him be filed in the office of the secretary of state. The compensation of the two members of the board to be appointed by the governor shall be three dollars per day while in actual attendance at meetings of the board, and five cents a mile in going to and from the place of meeting by the direct and usually traveled route. Payment for such services and expenses shall be made by the quartermaster general upon the certificate of the commander-in-chief.

Approved April 3, 1879.

Compensation of
board.

Payment, how
made.

[No. 162.]

AN ACT to amend an act entitled "An act vesting with police powers marshals and their deputies at state and county fairs," approved March fifteenth, one thousand eight hundred and sixty-one, being compiler's section two thousand one hundred and seventy-seven of the compiled laws of one thousand eight hundred and seventy-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact.* That section one of an act entitled "An act vesting with police powers marshals, and their deputies at state and county fairs," the same being compiler's section two thousand one hundred and seventy-seven of the compiled laws of one thousand eight hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Marshals vested
with police
powers.

(2177.) SECTION 1. *The People of the State of Michigan enact,* That all persons duly appointed or chosen as marshals, deputy marshals, or policemen, by the proper officers of any of the agricultural or horticultural societies of this state, and designated by appropriate badges, shall, as such marshals and policemen during the days of the fairs or exhibitions held by any of said societies be vested with the police powers of special constables in the township, village, or city in which such fairs or exhibitions are held.

Approved April 3, 1879.

[No. 163.]

AN ACT to amend act number one hundred and ninety-two of the session laws of one thousand eight hundred and seventy-three, approved April twenty-ninth, one thousand eight hundred and seventy-three, entitled "An act to establish the right to the care and custody of minor children in case of the separation of husband and wife being the father and mother of said minor children."

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act one hundred and ninety-two of the session laws of one thousand eight hundred and seventy-three, approved April twenty-

ninth, one thousand eight hundred and seventy-three, shall be and the same is hereby amended to read as follows:

SECTION 1. That in case of the separation of husband and wife having minor children, the mother of said children shall be entitled to the care and custody of all such children under the age of twelve years, and the father of such children shall be entitled to the care and custody of all such children of the age of twelve years or over: *Provided*, That any probate court or any court of competent jurisdiction may, on petition and hearing thereof, make and enforce such order or orders as it may deem just and proper as to the care and custody of such minor children, excepting in cases where an order or decree may have been made by any court in chancery regarding such children: *And provided further*, That nothing in this act shall prevent any court of competent jurisdiction from making and enforcing any such order or orders as it may deem just and proper as to the care and custody of such minor children in the same manner and with like effect as it could if this act had not been passed.

Care and custody of minor children when husband and wife separate.

Proviso.

Further proviso.

Approved April 3, 1879.

[No. 164.]

AN ACT to amend section one of chapter one hundred and thirty-seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand seven hundred and forty-two, relating to graded and high schools, and to repeal "An act to provide for the election of trustees of graded school districts by ballot, in the Upper Peninsula," being act number ninety of the laws of eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one hundred and thirty-seven of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand seven hundred and forty-two, relating to graded and high schools, be and hereby is amended to read as follows:

Section amended.

SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years, may elect a district board consisting of six trustees: *Provided*, The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided also*, That the intention to take such vote shall be expressed in the notice of such annual meeting. When such change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect, by ballot, from the qualified voters of the district, two trustees for a term of one year, two for a term of two years, and two for a term of three years; and annually thereafter two trustees shall be elected, in the manner aforesaid, whose terms of office shall be three years, and until their successors shall have been elected and filed their acceptances.

Election of district board.

To be determined at annual meeting.

Notice of intention to take vote.

Manner of electing.

Term of office.

Act repealed.

SEC. 2. An act entitled "An act to provide for the election of trustees of graded school districts by ballot in the Upper Peninsula," being number ninety of the laws passed at the session of eighteen hundred and seventy-five, approved April twenty-second, eighteen hundred and seventy-five, is hereby repealed.

Approved April 3, 1879.

[No. 165.]

AN ACT relative to the Michigan state agricultural society.

May hold real and personal estate.

SECTION 1. *The People of the State of Michigan enact*, That the Michigan state agricultural society may hold real and personal estate over and above its library, scientific and agricultural collections to amount not exceeding one hundred thousand dollars.

Secretary and treasurer to give bonds.

SEC. 2. The secretary and treasurer of the said Michigan state agricultural society shall each give bonds in such amounts and with such sureties respectively as shall from time to time be required by the executive committee, which bonds shall be conditioned for the faithful performance of the duties of such officers respectively, and to account for and pay over, as the executive committee shall order, all such moneys as shall come into the hands of such officers respectively by virtue of their office. Each of said bonds shall, in the first instance, be approved by the president as to form and sufficiency of sureties, and his approval shall be endorsed thereon, and such bonds and the action of the president thereon shall be reported to the executive committee at its next meeting, and shall be subject both as to form and sufficiency, to the action of the executive committee. It shall be competent for the executive committee in case either of said officers shall neglect or refuse to give such bonds within such time, and with such sureties as shall be approved as aforesaid, to declare said office vacant and thereupon fill the said office by appointment, until the next annual election.

Approval of bonds.

When executive committee may declare office vacant.

Society not liable for loss of animals, etc., by fire.

SEC. 3. The said society shall not be liable for the loss by fire or otherwise of animals or articles which may be placed on exhibition at the annual fairs of the society.

Approved April 14, 1879.

[No. 166.]

AN ACT to prevent the infection of foot-rot among sheep.

Unlawful to allow or drive on highway, sheep infected with foot-rot.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to allow to run at large on, or to drive along any highway in this state between the first day of May and the first day of November of each year, any sheep known to be infected with the disease known as the foot-rot.

SEC. 2. Any person or persons violating the provisions of the

foregoing section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine not less than twenty-five nor more than one hundred dollars, in the discretion of the court, in addition to the costs of prosecution; and in case the fine imposed, and the costs of prosecution shall not be paid, the defendant shall be confined in the county jail not less than thirty days nor more than sixty days, in the discretion of the court. Penalty.

Approved April 14, 1879.

[No. 167.]

AN ACT to amend section twenty-nine of chapter two hundred and forty-four, being section seven thousand five hundred and thirty-eight of the compiled laws of eighteen hundred and seventy-one, relative to punishment for misdemeanors.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-nine of chapter two hundred and forty-four, being section seven thousand five hundred and thirty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(7538.) SEC. 29. Whoever shall be convicted upon a complaint or an indictment of an assault, or an assault and battery, where no other punishment is prescribed, shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding two hundred dollars, and on failure to pay such fine; shall be imprisoned in the county jail not more than one year, or both such fine and imprisonment in the discretion of the court. Punishment for assault and battery, etc., in certain cases.

Approved April 14, 1879.

[No. 168.]

AN ACT to provide for the publication, stereotyping, printing, binding, distribution, and sale of the reports of decisions of the supreme court of Michigan, and to repeal sections five and six of chapter one hundred and eighty, being compiler's sections five thousand six hundred and fifty-five and five thousand six hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* the board of state auditors are hereby authorized and directed to solicit bids for the publication, stereotyping, printing, binding, and sale of the report of decisions of the supreme court of Michigan, and to contract therefor in accordance with the provisions of this act, at a price not exceeding two dollars per volume. Board of auditors to solicit bids.

SEC. 2. The board of state auditors shall, commencing the first week in September, eighteen hundred and seventy-nine, or as soon thereafter as this act shall take effect, and every eight years thereafter, and as often as any contract let hereunder shall be forfeited Limit of price.

How board to advertise.

When contract to be awarded.	<p>or terminated in any way, advertise in six different newspapers, two of which shall be published in the city of Detroit, and of the largest circulation weekly, for the term of six weeks; that sealed proposals will be received by said board at Lansing, and opened at the end of such publication of notice, for the publication, stereotyping, printing, binding, and sale of said reports as herein provided, for the term of eight years next thereafter, at a certain rate per volume, to be stated in such proposals, not exceeding the maximum price fixed by this act, and shall within ten days thereafter award such contract to the lowest bidder: <i>Provided, however,</i> The first contract shall not take effect before January first, eighteen hundred and eighty.</p>
When to take effect.	<p>SEC. 3. Each bidder shall deposit with the state treasurer, before making his proposals, the sum of one thousand dollars, to be forfeited to the state in case he shall fail to make a contract in accordance with this act, if the said board shall declare him the successful bidder, and shall take a receipt from said treasurer, and deposit the same with his proposal.</p>
Bidders to make deposit with state treasurer.	<p>SEC. 4. The successful bidder shall make a contract according to the terms of his proposals, and the provisions of this act, which shall be made and considered part thereof, within thirty days after notice that the same is accepted, and shall also file with the state treasurer a bond in the penal sum of ten thousand dollars, conditioned to fulfill such contract in all particulars with at least two sufficient sureties to be approved by the secretary of state. Such bonds shall be the joint and several obligation of the persons executing it. If the successful bidder shall fail to complete his contract, or shall forfeit the same for any cause, the said board shall re-let the contract as soon thereafter as practicable, in the manner provided by section two of this act, and said contractor shall also pay to the state all expense thereof, and said board may also complete any part of such first or any subsequent contract not fulfilled at the re-letting of the same at the expense of such contractor. In lieu of the sureties to the bond herein required, contractors may deposit United States bonds to the amount of ten thousand dollars with said treasurer, and said bonds, or such part thereof as shall be necessary to reimburse and make good to the state any loss it may sustain, or expense it may be put to by reason or the non-completion of said contract, shall be forfeited to the state or Michigan in case of the failure of such contractor to fulfill any of the conditions of the bond by him to be performed.</p>
When and how contract to be made.	
Bond.	
When board may re-let.	
Contractors may deposit U. S. bonds in lieu of sureties to bonds.	
What contract to contain.	<p>SEC. 5. The contract of the successful bidder shall contain among others, the following covenants:</p> <p>1st. That he shall take out no copy-right except to the secretary of state for the use and disposal of the state, upon any volume published under such contract.</p> <p>2d. That if it shall, on petition by any citizen of Michigan, be made to appear to the judges of the supreme court, or any two of them, that such contractor has in any respect failed to comply with the provisions of this act or his contract, said judges may, upon hearing had in such manner as they may direct, declare the</p>
When judges of supreme court may declare contract forfeited.	

contract forfeited, and on such forfeiture being declared, such contractor shall upon demand of said board transfer to the secretary of state of this state for the use of the state, all the stereotyped plates of all volumes published under such contract, or in default thereof will pay to the treasurer of this state one thousand dollars for each such volume as liquidated damages for a failure to make such transfer.

Deposit of plates when contract forfeited.

3d. That he will as often and as soon as any and every volume is ready for binding, deliver to the secretary of state at Lansing, free of all charge whatsoever, a set of stereotyped plates thereof in good order for printing, or in default thereof he shall pay to the treasurer of this state the like sum of one thousand dollars as liquidated damages for a failure to deliver the same. Moneys received under this section shall be used as far as necessary to procure stereotyped plates of such published reports, to be paid for by such treasurer on the draft of the board of state auditors approved by the secretary of state, who shall certify that such plates have been deposited with him.

When volume published contractor to deliver to secretary of state stereotyped plates.

Damages.

To be used to procure plates.

SEC. 6. The supreme court reporter shall as soon as practicable after the decisions of the supreme court are announced, furnish and deliver to the persons or corporation having the contract with the state for publishing the same, copies of such decisions, with a syllabus and brief abstract of the case, and briefs of counsel, as are now or may hereafter be required by law, with suitable notes of the points decided in each case, and a proper index and digest of such decisions to be published in and as part of such volumes. Each of said volumes shall contain not less than seven hundred pages, to be stereotyped, and printed, and bound in a good substantial manner and form, of good material for law books, and printed in not larger type, set in the same manner, and of the same style and quality as volume thirty-eight of the Michigan Reports in the state library at Lansing, and to be approved and accepted by the judges of the Supreme Court, or a majority of them. The original stereotyped plates shall be at all times the property of this state, subject to the right of such contractor to use the same during the term of such contract or until the same shall be declared forfeited as herein provided.

Supreme court reporter to furnish copies of decisions, etc.

Size of volume.

Style of printing.

Stereotyped plates property of state.

SEC. 7. Said reports shall be published under the supervision of said reporter, and subject at all times to the directions of the Supreme Court judges or a majority of them, and to whom shall be referred any matter of dispute, and their decision shall be final and binding upon the contractors and the state.

Supreme court reporter to supervise publication, etc.

SEC. 8. Such contractor shall within sixty days after receiving the final manuscripts of any volume from the reporter, deliver to the state librarian at Lansing, free of cost, for publication or delivery, three hundred and fifty copies of such volumes in good order, and according to contract.

When contractor to deliver to state librarian three hundred and fifty volumes.

SEC. 9. Said contractor shall within the same time place the same on sale in the city of Detroit, and city of Lansing, and such other places in Michigan as may be directed by such judges in writing, in quantities sufficient to meet all demands, and shall there-

Where reports to be kept for sale.

after at all times keep the same on sale to citizens of this state, at the places aforesaid, in suitable quantities, at a price not exceeding the price named in the contract.

Board of auditors to let separate contract to publish from stereotyped plates.

SEC. 10. In any publication for and letting of contracts, the board of state auditors shall let as a separate part of such contract, the publication of reports from the stereotyped plates of former volumes owned by the state, as now provided by law, the same to be published and bound in like manner, style and quality, and put and kept on sale, at such separate contract price in like manner as new reports.

How librarian to distribute reports.

SEC. 11. That when each volume is published and delivered, the state librarian shall distribute one copy each, out of said three hundred and fifty volumes, to the offices of the governor, the secretary of state, the auditor general, the state treasurer, the commissioner of the State land office, the attorney general, the superintendent of public instruction, the commissioner of railroads and the commissioner of insurance, one copy to each of the justices of the supreme court, one copy to each of the circuit and superior court and recorder's court judges of this state, one copy to be kept in the office of the state reporter, one copy to each of the United States district court judges in Michigan, one copy to be kept in the office of the county clerk of each county in this state, one copy to the library of the university of Michigan, one copy to the library of the agricultural college, and one copy to the library of each of the states and territories which shall contribute to the library of this state the law reports which shall be published under the authority of such state or territory.

Sections repealed.

SEC. 12. Sections five and six of chapter one hundred and eighty, being compiler's sections five thousand six hundred and fifty-five and five thousand six hundred and fifty-six, of the compiled laws of eighteen hundred and seventy-one, and all acts or parts of acts inconsistent herewith shall be and the same are hereby repealed.

Approved April 15, 1879.

[No. 169.]

AN ACT for the incorporation of the Michigan state medical society.

Corporation may be organized.

SECTION 1. *The People of the State of Michigan enact*, That a corporation may be organized, under the provisions of this act, for the acquisition and dissemination of knowledge pertaining to medicine, surgery, and hygiene, and for the elevation of the standard of professional education, and the association of the members of the medical profession, for mutual recognition and fellowship.

Who may become incorporated.

SEC. 2. That any nine persons who shall be practitioners of medicine and surgery, in accordance with the principles of scientific medicine, and who shall be residents of the state of Michigan, who shall have received the degree of doctor of medicine from any medical school or college legally empowered to confer such degree,

who may desire to become incorporated for the purposes set forth in section one, may execute, under their hands, and acknowledge, before some person within this state authorized to take acknowledgments of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the secretary of state, and a record shall be made of such articles or a certified copy thereof in the clerk's office of the county in this state in which the office of said association for the transaction of business may be located; and, upon the execution and acknowledgment of such articles, the signers thereof and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.

Articles of agreement.

Where filed and recorded.

SEC. 3. The articles of such association shall contain:

What articles to contain.

First, The names of the persons associating in the first instance, and their places of residence;

Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third, The object for which it is organized;

Fourth, The number of directors and regular officers, and the time and place for holding its annual meeting: *Provided, however*, That any such association may, in its articles of association or by-laws, provide for and appoint other meetings thereof than the annual meeting, to be held when and where the association may from time to time designate and appoint;

Fifth, The terms and conditions of membership therein: *Provided*, That any such association may, if it so specifies in the articles of association thereof, admit as a member thereof, subsequent to its becoming incorporated, any person who has sustained a reputable practice in the state of Michigan or elsewhere as a physician and surgeon for ten years, with at least one year's previous study in the office of a reputable physician, or one collegiate year in a reputable medical school or college, and who satisfies the association thereof in such way as it may prescribe: *Provided further*, That the terms and conditions of admission to membership in such association, after the incorporation thereof, shall at all times conform to and be governed by the law of this state, if any there may be, regulating the practice of medicine and surgery.

SEC. 4. The affairs of said corporation shall be managed by the executive committee and officers of the society, to be chosen for such period and in such manner as the by-laws of such association shall provide, and who shall hold their offices until their successors are chosen and qualified. The officers shall be chosen in conformity to the by-laws of such corporation, adopted and changed by the members as the articles or by-laws may prescribe, not inconsistent with said articles of association. All officers and members, except honorary members, of such corporation shall be residents of the state of Michigan.

Who shall manage affairs of corporation.

What members to be residents of this state.

SEC. 5. The corporation may sue or be sued, take by gift, purchase, or devise, property, exclusive of that actually used and nec-

Corporation may sue and be sued, take gift, etc.

Proviso.

essary for the transaction of its business, to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, or any city, county, state, or in government securities, or deposit it at some bank, or with any broker in this state, upon such bank or broker giving sufficient security for the re-payment thereof: *Provided*, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or, when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act: *And provided further*, That said articles of association shall specify the use to which said moneys and income thereof shall be appropriated, and the same shall be applied exclusively to such purpose, and no other.

Secretary to compile printed report, etc.

Where to be deposited.

SEC. 6. Should the association be organized under this act, it shall be the duty of the secretary thereof to compile a printed report of the transactions of said association, including copies of papers read at its meetings, reports of facts collected, discoveries made, and experience gained, at the end of the month of December of each year; one copy of which said printed report shall be deposited in the office of the secretary of state, one in the state library, and at least one retained in the office of said association.

Approved April 16, 1879.

[No. 170.]

AN ACT to amend section twenty-one of chapter twenty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand two hundred and forty-six, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-one of chapter twenty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand two hundred and forty-six, as amended by act number sixty-five of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, be amended so as to read as follows:

Letting of contracts by highway commissioners for repairs, etc.

Notice.

(1246.) SEC. 21. Whenever the commissioner of highways shall determine to appropriate any portion over twenty dollars of the moneys accruing to his township in the repairing or construction of roads or bridges therein, he shall contract at public auction with the lowest bidder giving good and sufficient security for the performance thereof; and not less than ten days' notice shall be given by said commissioner of the time and place of letting such

contract by posting up such notice in at least five of the most public places in his township.

Approved April 18, 1879.

[No. 171.]

AN ACT to amend section ninety-three of chapter eighteen of the compiled laws of eighteen hundred and seventy-one being compiler's section nine hundred and twenty, as amended by act number two hundred and twenty of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five, relative to the reorganization of the military forces of the state of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section ninety three of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine hundred and twenty, as amended by act number two hundred and twenty of the session laws of eighteen hundred and seventy-five, be amended so as to read as follows:

(920.) SEC. 93. For the purpose of providing the expenses Apportionment of tax for military fund. necessary to carry out the provisions of this act, it shall be the duty of the auditor general at the time of apportioning the state taxes, to apportion among the several counties of the state each year in proportion to the whole amount of real and personal property therein, as equalized by the state board of equalization, a sum equal to three and one-half cents for each person whom it shall appear, by the last preceding census, was a resident of this state, which sum so apportioned shall be collected in the same manner with other state taxes and shall constitute the state military fund.

Approved April 18, 1879.

[No. 172.]

AN ACT to amend section seven thousand one hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one, the same being section three of chapter two hundred and twenty-seven of said compiled laws relative to "writs of error and certiorari."

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section seven thousand one hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one, the same being section three of chapter two hundred and twenty-seven of said compiled laws, entitled "writs of error and certiorari," be amended so as to read as follows:

(7121.) SEC. 3. The sufficiency of the sureties and the sum for Sufficiency of sureties, by whom determined. which said bond shall be given, shall be determined in each case by any justice of the supreme court or by the judge of the circuit court for the county in which the judgment in the case was

Proviso—when
court may order
additional bond.

rendered, or by a circuit court commissioner for said county, but the penalty of such bond shall not be less than double the amount of the judgment upon which the writ of error is brought, if such judgment be against the plaintiff in error, nor in any case less than one hundred dollars: *Provided*, That the supreme court, or the circuit judge of the county where the cause was tried, shall on special motion, have power to order an additional bond, and affix the penalty thereof, and approve the sureties thereto, or to refer such approval to a circuit court commissioner of the county in which the cause shall have been pending.

Approved April 18, 1879.

[No. 173.]

AN ACT to amend section seven of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight hundred and thirty-four, relative to the reorganization of the military forces of the state of Michigan, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter eighteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight hundred and thirty-four, as amended by act number one hundred and sixteen of the session laws of eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

State troops, of
what composed.

(834.) SEC. 7. The state troops shall be composed of not exceeding twelve companies of infantry prior to the first day of January, eighteen hundred and seventy-four, and the number of companies may be increased at the rate of four companies in each year thereafter until the full number of thirty companies shall be reached; beyond which, in time of peace, there shall be no increase.

Limit of com-
panies.

Approved April 18, 1879.

[No. 174.]

AN ACT to amend section eighty-seven of the compiled laws of eighteen hundred and seventy-one, relative to the transmission, by the several county clerks in this state, to the secretary of state of the names of members of the legislature and of county officers, so as to provide for the transmission of the postoffice addresses of such officers.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-six of an act entitled "An act to provide for holding general and special elections," approved June twenty-seventh, eighteen hundred and fifty-one, the same being section eighty-

seven of the compiled laws of eighteen hundred and seventy-one, shall be and is hereby amended so as to read as follows:

(87.) SEC. 56. The county clerk shall, within thirty days after a general election, transmit to the secretary of state at Lansing, a list of the members of the legislature, elected in the county, designating both the senators and representatives by their respective districts, and also a list of all the county officers elected in such county at such election together with the respective postoffice addresses of all such senators, representatives, and county officers.

Clerk to transmit list of members of legislature and county officers to secretary of state.

Approved April 18, 1879.

[No. 175.]

AN ACT to amend section eight of chapter twenty-six, being section one thousand two hundred and fifty-nine, of the compiled laws [of] eighteen hundred and seventy-one, as amended by act number seventy-eight of the session laws of eighteen hundred and seventy-five, approved April ninth, eighteen hundred and seventy-five relative to laying out, altering and discontinuing public roads.

SECTION 1. *The People of the State of Michigan enact, That* section eight of chapter twenty-six, being section one thousand two hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act number seventy-eight of the session laws of eighteen hundred and seventy-five, approved April ninth, in the year eighteen hundred and seventy-five, be so amended as to read as follows:

Section amended.

(1259.) SEC. 8. Whenever a highway shall be laid out or altered by the commissioner of highways, he shall cause an accurate survey to be made of the centre line of said road, describing the commencing and terminating points of the same from some established corner of a regular subdivision of a section, or other determinable point. Bearing trees shall also be noted at such commencement and termination and at each angle along the line of the road when practicable. Whenever a road not on a section, quarter-section, or some other regular subdivision line of a section crosses a section line, the distance from the last preceding angle in such road to such section line shall be noted; also the distance from the point of intersection to the nearest section corner, quarter post, or meander-post on each side of such point, and shall file a plat or map with the minutes of such survey, certified by the surveyor, in the office of the township clerk of the township in which such road is situated; and the premises belonging to any highways shall be a parcel of land not less than two rods wide on each side of the line of said survey. An itemized statement of the expenses of such survey exclusive of the commissioner's fees, if any, with the commissioner's certificate thereto attached, showing such claim to be correct, shall be presented to the township board of the township in which such expenses were incurred, and said

Commissioner to cause survey of highway.

What survey to describe.

To file plat or map in office of township clerk.

Width of highway.

Itemized statement of expenses to be presented to township board.

Board to audit
and allow claim.

board, if it shall deem the same correct, is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township, out of any moneys in the township treasury not otherwise appropriated: *Provided*, This section shall not be construed as requiring or authorizing such township board to meet for the simple purpose of auditing and allowing such claim.

Proviso.

Approved April 19, 1879.

[No. 176.]

AN ACT to amend section seven of chapter twenty-three, being compiler's section one thousand one hundred and ninety-eight of the compiled laws of eighteen hundred and seventy-one, relative to labor upon highways.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter twenty-three, being compiler's section one thousand one hundred and ninety-eight of the compiled laws of eighteen hundred and seventy-one, relative to highways, be amended so as to read as follows:

When highway
tax to be col-
lected.

(1198.) SECTION 7. Every overseer of highways shall cause at least two-thirds of the assessment of highway taxes to be collected from all the resident inhabitants of his district before the first day of July in each year, and all the remainder of said assessment before the first day of November in each year, and if after the

Repairs of high-
ways, etc., before
collection of tax.

account required in section seventeen of chapter twenty-five of the compiled laws, shall have been rendered, and before the township meeting following next thereafter, it shall be necessary to remove obstructions from the highway or to repair culverts or bridges injured by freshets or otherwise, the proper overseer of highways is hereby authorized and required to call out any person or persons in his district liable to pay highway tax, to remove such obstruction, or to repair such culverts or bridges; and said overseer of highways is hereby further required to give such person or persons a written certificate stating the number of days worked by each, which shall be allowed to them on the next year's highway tax: *Provided*, No person shall be called upon for labor to exceed the amount of one-half of his tax the previous year.

Certificate to
persons perform-
ing labor.

Proviso.

Approved April 19, 1879.

[No. 177.]

AN ACT to provide for the transcribing of records of deeds, mortgages and other instruments in certain cases.

When certified
copies of deeds,
etc., may be
recorded in other
counties.

SECTION 1. *The People of the State of Michigan enact*, That when a new county has been or shall be organized, in whole or in part, from an organized county, or from territory attached to such organized county for judicial purposes, and the supervisors of such

new county have or shall have neglected to cause copies or transcripts of the records of deeds, mortgages, or other instruments relating to real estate in such new county, to be made as provided by law; or if from any cause the same has not, or shall not have been done; or in case there are or shall be informalities, irregularities or mistakes in the copying, transcribing or certifying of such records, then in either such case, any person may procure from the register of deeds of the county in which such original deed, mortgage or other instrument had been recorded, a copy, duly certified by such register, of the original record of any deed, mortgage, or other instrument relative to or affecting the title of land, in which such person may be interested, and situated in such new county, and cause such certified copy to be recorded in the office of the register of deeds of the proper county. When any such certified copy shall be presented to the register of deeds of any county in this state, it shall be the duty of such register to record the same in the same manner and with like effect as original instruments or papers entitled to record in his office, and when so recorded, such record shall have the same effect in all respects as original records.

Approved April 28, 1879.

[No. 178.]

AN ACT to amend section five of an act entitled "An act to authorize counties, townships, cities or villages to raise money by taxation for the payment of their bonds, issued to aid in the construction of railroads," being act number one hundred and sixty-six of the session laws of eighteen hundred and seventy-five, approved April thirtieth, eighteen hundred and seventy-five, and to add thereto one new section to stand as section seven of said act.

SECTION 1. *The People of the State of Michigan enact, That* section five of an act entitled "An act to authorize counties, townships, cities and villages to raise money by taxation for the payment of their bonds, issued to aid in the construction of railroads," be and the same is hereby amended so as to read as follows:

SEC. 5. In case the boundaries of any county, township, city or village shall have been enlarged, diminished, or divided since the time it voted to issue any of the bonds mentioned in section one of this act, the taxes hereinbefore provided for shall be collected from the taxable property within the boundaries of such county, township, city or village, as they existed at the time such aid was voted. And in case such county, township, city or village shall have been divided into two or more counties, townships, cities or villages, since such aid was voted, such new counties, townships, cities and villages shall raise in manner hereinbefore provided, their proportionate share of such sum or sums of money as may be necessary to pay the principal and interest due or to become due on any such bonds, and any judgments which may have been

Section amended.

Where tax shall be levied when boundaries of corporations have been changed.

or may hereafter be obtained therefor. And such proportionate share shall be ascertained in manner as provided by law for the apportionment of debts on the division of counties, townships, cities or villages respectively.

Section added.

SEC. 2. That there be added to said act one new section to stand as section seven, and to read as follows: .

Money to be paid to treasurers.

SEC. 7. The sum [sums] of money so raised by said new counties, townships, cities, and villages, shall be paid by their respective treasurers to the proper treasurer of the counties, townships, cities or villages, in whose name said bonds were issued.

Approved April 29, 1879.

[No. 179.]

AN ACT to amend section seven of chapter seven of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter seven of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, be amended so as to read as follows:

Council shall have supervision of highways, bridges, etc.

SEC. 7. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the village, and shall have the like authority over the same as is given by the general laws of the state: *Provided*, That the bridges, within the limits of any village incorporated under this act, in the highways leading into or through said village, which have been, or shall hereafter be, laid out by the commissioner of highways of the township or townships in which said village may be located, shall be built, controlled, and kept in repair by the township or townships in which they may be located, the same as if said village were not incorporated; and all the other bridges in said village shall be built, controlled, and kept in repair by said village.

Proviso—who to keep bridges in repair.

Approved April 29, 1879.

[No. 180.]

AN ACT to amend section four of an act entitled "An act to authorize the appointment of a commissioner of mineral statistics and defining the duties and compensation of the same," approved February eight, eighteen hundred and seventy-seven, and to add two new sections thereto, to stand as sections five and six.

SECTION 1. *The People of the State of Michigan enact*, That

section four of an act entitled "An act to authorize the appointment of a commissioner of mineral statistics and defining the duties and compensation of the same," approved February eighth, eighteen hundred and seventy-seven, be amended so as to read as follows, and that two new sections be added thereto to stand as sections five and six, and to read as follows:

SEC. 4. That an annual appropriation of fifteen hundred dollars be made, which sum shall cover the compensation and expenses of said commissioner for all surveys and explorations made by him, or under his direction, and also the cost of preparing an annual report, one thousand copies of which shall be printed and bound by the state printer, and distributed under the direction of the state board of geological survey.

SEC. 5. Said commissioner is hereby authorized to demand, and it shall be the duty of all corporations or individuals engaged in mining to make such reports under oath, as to product and other matters as shall be required by him, on blanks to be furnished by said commissioner for that purpose.

SEC. 6. It shall also be the duty of said commissioner to report to the auditor general on or before the first day of May in each year, the amount of copper, iron, coal, or other mineral produced by each and every corporation or individual engaged in mining in this state during the preceding calendar year, which reports shall be the basis for computing the specific taxes chargeable against such corporations or individuals, on the amount of mineral produced by them, and in case any corporation or individual engaged in mining in this state shall neglect or refuse to make the reports required by section five of this act, at the time and in the manner therein specified, then it shall be the duty of said commissioner of mineral statistics, to report the amount of specific tax chargeable against such delinquent corporations or individuals.

Approved April 29, 1879.

[No. 181.]

AN ACT to amend sections two, three, four, and seven, being compiler's sections two thousand one hundred and thirty, two thousand one hundred and thirty-one, two thousand one hundred and thirty-two, and two thousand one hundred and thirty-five, of the compiled laws of eighteen hundred and seventy-one, relating to the spread of Canada thistles, and to amend sections two, three, and four, as amended by act sixty-five of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three, four, and seven, being compiler's sections twenty-one hundred and thirty, twenty-one hundred and thirty-one, twenty-one hundred and thirty-two, and twenty-one hundred and thirty-five, of the compiled laws of eighteen hundred and

seventy-one, relating to the spread of Canada thistles, as amended by act sixty-five of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, be and the same is hereby amended so as to be and read as follows:

Duty of overseers of highways.

(2130.) SEC. 2. It shall be the duty of the overseer of highways in any township to see that the provisions of this act shall be carried out within their respective highway districts, and they shall give notice to the owner, possessor, occupier of any land within said district whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, possessor or occupier shall refuse or neglect to cut down the said Canada thistles, the overseer of highways shall enter upon the land and cause all such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in any action of trespass therefor: *Provided*, that when such Canada thistles are growing upon non-resident lands it shall not be necessary to give notice before proceeding to cut down the same.

To notify owner of land to cut down Canada thistles.

Proviso.

To keep account of expenses incurred.

(2131.) SEC. 3. Each overseer of highways shall keep an accurate account of the expenses incurred by him in carrying out the provisions of the preceding section of this act with respect to each parcel of land entered upon therefor, and shall offer a statement of such expense, describing by its legal description the land entered upon, and verified by oath to the owner, possessor, or occupier of such resident lands requiring him to pay the amount, in case such owner, possessor or occupier shall refuse or neglect to pay the same within thirty days after such application, said claim shall be presented to the township board of the township in which such expense was incurred, and said township board is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township out of any moneys in the township treasury not otherwise appropriated, the said overseer of highways shall also present to the said township board a similar statement of the expense incurred by him in carrying out the provisions of said section upon any non-resident land, and the said township board is hereby authorized and required to audit and allow the same in like manner.

Township board to audit claim for expense.

Expenses paid to be levied on lands.

(2132.) SEC. 4. The supervisor of the township shall cause all such expenditures as have been so paid from the township treasury under the provisions of this act, to be severally levied on the lands so described in the statement of the overseer of highways and to be collected in the same manner as delinquent highway taxes are collected, and the same when collected shall be paid into the township treasury to reimburse the outlay therefrom aforesaid.

Penalty for neglect to discharge duties.

(2135.) SEC. 7. Every overseer of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act shall be liable to a fine of twenty-five dollars: *Provided*, That the provisions of this act shall be published in pamphlet

Proviso.

form, and ten copies thereof forwarded to the supervisor of each township in this state.

Approved April 29, 1879.

[No. 182.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation to drain and reclaim certain swamp and overflowed lands in Bay, Saginaw and Tuscola counties.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp lands of this state are hereby authorized and empowered to appropriate fifteen thousand acres of state swamp lands in the Lower Peninsula, not otherwise appropriated, or so much thereof as they may deem necessary, after a full investigation of its merits, for the purposes [purpose] of constructing a ditch or outlet, to aid in draining and reclaiming the swamp and overflowed lands situate and being in the northern part of the township of Blumfield, in Saginaw county, and in the township of Merritt, in Bay county, and in the western part of the township of Gilford, in Tuscola county, in this state: *Provided*, Board of control authorized to appropriate land. Provide. That such ditch or outlet shall be constructed, and said expenditure made in pursuance of the provisions of law relative to the construction of swamp land state roads and ditches, under the supervision of the state swamp land commissioner and said board of control.

Approved April 30, 1879.

[No. 183.]

AN ACT to provide for the collection and compilation of statistics of municipal indebtedness and taxation.

SECTION 1. *The People of the State of Michigan enact*, That the auditor general shall in each year hereafter, prepare suitable blanks for the collection of statistics of the indebtedness of counties, townships, cities, villages and school districts within this state, and also of the whole amount of taxes imposed therein; and previous to the first Monday of September in each year, he shall send to the clerk of each county, township and village, and the recorder of each city within this state, a sufficient number of such blanks to enable such officers to make the report hereinafter required. Auditor general to prepare blanks. Blanks to be sent to clerks, etc.

SEC. 2. It shall be the duty of each of said counties, townships and villages, and the recorder of each of said cities, on the receipt of such blanks, to make thereon and previous to the first day of November in each year, to forward to the office of the auditor general a report of all the indebtedness of each such county, township, city and village respectively, on the thirtieth day of September in each year, with a statement of the consideration of each portion of said indebtedness, and the time when each portion Duty of clerks, etc.

Auditor general
to compile sta-
tistics.

Copy of act to be
printed on back
of blanks.

Penalty for neg-
lect or refusal to
report.

thereof will become due; also a statement of the amount and character of all taxes assessed during the previous year in each such municipality respectively. And it shall be the further duty of the clerk of each such township, and the recorder of each such village, to report in like manner all indebtedness of each and every school district within their respective townships and cities, with the assessments made therein during the previous year. The auditor general shall compile such statistics and file the same in his office in convenient form for reference.

SEC. 3. A copy of this act shall be printed on the back of each such blank, and any clerk or recorder required herein to make such report who shall neglect or refuse to make or forward the same as required by section two of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding twenty-five dollars.

Approved April 30, 1879.

[No. 184.]

AN ACT to amend section twenty-six of chapter one hundred and ninety-two of the compiled laws of eighteen hundred and seventy-one, being compiler's section number six thousand one hundred, relative to levy of execution upon grain while growing, or any unharvested crops.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-six of chapter one hundred and ninety-two of the compiled laws of eighteen hundred and seventy-one, being compiler's section number six thousand and one hundred, be and the same is hereby amended so as to read as follows:

Levy on unhar-
vested crops, how
made.

SEC. 26. When a levy shall be made upon grain while growing, or on any unharvested crops, by virtue of any execution, the officer making such levy shall file a notice of said levy in the office of the township clerk of the township or city clerk of the city, or city recorder of cities having no officer known as city clerk, where such grain or crops are at the time of making such levy; and such clerk or recorder shall file said notice in his office, in the same manner as he is required by law to file a chattel mortgage; and such notice shall be constructive evidence to all persons of the interest of the plaintiff in the execution, and shall be entitled to the same fees therefor, to be paid by the plaintiff in the execution, and shall be collected as costs in the case, and no sale of said crops or grain shall be made until the same shall be ripe or fit to be harvested, and any levy thereon by virtue of an execution issued from a circuit court, or by a justice of the peace, shall be continued beyond the return day thereof, if necessary, and remain in life, and the execution thereof may be completed at any time within thirty days after such grain or other unharvested crops shall be ripe or fit to be harvested.

How levy may
be continued.

When execution
may be comple-
ted.

Approved May 1, 1879.

[No. 185.]

AN ACT to allow unknown heirs to be made defendants in proceedings in chancery.

SECTION 1. *The People of the State of Michigan enact*, That in all suits in chancery, if there be persons interested in the same as heirs of some persons deceased, whose names are unknown, it shall be lawful to make such persons parties defendant by the name and description of unknown heirs of such deceased person. In all such cases an affidavit shall be filed by the complainant or his agent, or solicitor, stating the name of the deceased person whose heirs are unknown, that the names of such heirs are unknown. And if it shall appear to the court that such heirs are necessary or proper parties, it shall make an order for their appearance at a future day therein specified, not less than six months from the date of said order.

Unknown heirs may be made defendants.

Affidavit by complainant.

Order of court.

SEC. 2. All subsequent proceedings, including publication of said order shall be taken in the same manner and with like effect as though the names of said heirs were known, but they were non-residents of this state, and such proceedings shall be in conformity with the statute relating to non-resident defendants: *Provided*, That the rights of infants, insane persons, idiots, married women, or other persons, under legal disability, shall not be affected or concluded by any proceedings under this act until the expiration of seven years after such disability shall have been removed.

Proceedings to be in conformity with statute relative to non-residents.

Provido as to rights of infants, insane persons, etc.

Approved May 1, 1879.

[No. 186.]

AN ACT to amend sections one and two of an act entitled "An act to authorize judges of probate of certain counties to appoint a register, and prescribe [prescribing] his duties and compensation," approved March thirtieth, eighteen hundred and sixty-nine, being sections five thousand two hundred and forty-six, and five thousand two hundred and forty-seven, chapter one hundred and seventy-seven of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of an act entitled "An act to authorize judges of probate of certain counties to appoint a register, and prescribe [prescribing] his duties and compensation," approved March thirtieth, eighteen hundred and sixty-nine, being sections five thousand two hundred and forty-six, and five thousand two hundred and forty-seven, chapter one hundred and seventy-seven of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

Sections amended.

(5246.) SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of any county in this state may, when it shall have determined that such an officer is required, by a

When judge of probate may appoint register.

Term of office.	two-thirds vote of all the members elect, authorize the judge of probate of such county to appoint a probate register who shall hold his office during the term for which the judge of probate appointing him shall have been elected, unless sooner removed by said judge
Powers.	of probate; said probate register shall have power to receive petitions, fix the time of hearing, administer oaths and do all acts required by the judge of probate, except judicial acts, and said
Salary.	probate register shall have such annual salary, to be paid quarterly, as may be fixed by the board of supervisors, which shall be in full compensation for all services required to be performed by him as such probate register.
Prohibited from receiving fees, etc.	(5247.) SEC. 2. The said probate register shall be prohibited from receiving any fees or compensation for drawing petitions, applications or other papers whatever in any matter or proceeding in said probate court, but on application shall make all such papers free of charge; but attested copies or exemplifications of any record proceeding entered in such probate court and furnished on request to any person, shall be paid for at the rate of eight cents per folio: <i>Provided</i> , That the provisions of this act shall not apply to the county of Wayne.
Proviso.	Approved May 2, 1879.

[No. 187.]

AN ACT to provide a penalty for the abuse of legal process and proceedings.

Penalty for instituting legal proceedings for the purpose of obtaining fees, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall be a misdemeanor for any officer or person to willfully make any arrest or institute any legal proceedings, or sue out any process for the purpose of obtaining the fees or mileage that might accrue thereto or therefor, and any person upon the conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not to exceed three months, or both, in the discretion of the court.

Approved May 3, 1879.

[No. 188.]

AN ACT to amend section forty-three of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety-one, relative to courts held by justices of the peace.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-three of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety-one, relative to courts held by justices of the peace, be and the same is hereby amended so as to read follows:

(5291.) SEC. 43. Whenever any plaintiff, his agent or attorney, shall make and file an affidavit with the justice, setting forth that his personal goods and chattels, not exceeding in value one hundred dollars, have been unlawfully taken, or are unlawfully detained by any other person, specifically describing such property, and giving the value thereof, and stating that the plaintiff is lawfully entitled to the possession of said property, that the same has not been taken for any tax, assessment, or fine, levied by any law of this state, nor seized under any execution or attachment against the goods and chattels of such plaintiff liable to execution, and claiming damages for the detention of the same, or taking the same, not exceeding one hundred dollars, in addition, and shall file with such justice a bond with sufficient surety or sureties, to be approved by the justice, and payable to the defendant in a penalty at least double the value of the property, as sworn to in the affidavit, and not less than one hundred dollars, with the condition prescribed in section ten of the one hundred and twenty-fourth chapter of the revised statutes of eighteen hundred and forty-six, with the justification of the sureties to said bond endorsed thereon, in writing, and to be made under oath; the justice shall issue a writ of replevin, directed to any constable of the county, commanding him to take the property described, and return the same forthwith to the plaintiff, and that he summon the defendant to appear at a time and place therein to be named, before such justice to answer the said plaintiff concerning the unlawful taking or detention of the said goods and chattels; and in case of the neglect or refusal of said justice to require the sureties to said bond to justify in writing and under oath before issuing said writ, the said writ upon motion shall be dismissed, and the property taken by virtue thereof returned to the person [persons] from whom it was taken, unless the plaintiff, on such motion being made, shall forthwith file with the justice a new bond in the form and penalty, in this act provided, with good and sufficient sureties, who shall justify their responsibility in the manner hereinbefore provided; and the justice shall be liable to the injured party in an action of trespass for any damage he may have sustained by reason of said writ having been issued.

Jurisdiction in replevin.

Bond.

Jurisdiction of sureties in writing.

Justice to issue writ.

Liability of justice for neglect to require sureties to justify in writing.

Writ to be dismissed unless new bond filed.

Approved May 3, 1879.

[No. 189.]

AN ACT to amend section forty-seven of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety-five, relating to courts held by justices of the peace.

SECTION 1. *The People of the State of Michigan enact, That* section forty-seven of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety-five, relating

Section amended.

to courts held by justices of the peace, be and the same hereby is amended so as to read as follows:

Chapters to apply
in proceedings in
replevin.

(5295.) SEC. 47. In all cases, not in this chapter specially provided for, proceedings in replevin before a justice shall be governed by the two hundred and thirteenth or two hundred and fourteenth chapters of the compiled laws of eighteen hundred and seventy-one, as the case may be.

Approved May 3, 1879.

[No. 190.]

AN ACT in relation to vacancies in certain state and county offices.

How vacancies
in certain offices
shall be filled.

SECTION 1. *The People of the State of Michigan enact*, That in case a vacancy shall occur in any public office, which vacancy may be filled by appointment by the governor or otherwise, notice of such vacancy and of the facts why the same exists, shall within ten days after such vacancy shall occur, be given in writing to the officer, board or body, having power to fill such vacancy by appointment, such notice shall be given as follows: If such vacancy shall be in any county office, excepting county clerk, by the clerk of the county wherein the same shall occur; if in the office of the circuit judge or judges or recorder's of said city courts, by the clerk of the county wherein such officer may reside at the time the vacancy shall occur; if in the office of county clerk of any county, by the judge of probate of the same county; if in the office of secretary of state, by the state treasurer, and in all other cases by the secretary of state; in all cases where a vacancy may occur in an office the salary of the incumbent of which shall be paid in whole or part from the state treasury, the officer, board or body having the appointing power shall immediately after receiving notice of such vacancy notify the auditor general of such vacancy.

Notice of
vacancy to be
filed with audi-
tor general.

Approved May 3, 1879.

[No. 191.]

AN ACT to amend section fourteen of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and sixty-two, relating to the service of summons from justice's courts.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and sixty-two, be and the same is hereby amended so as to read as follows:

Service of sum-
mons.

(5262.) SEC. 14. A summons shall in all cases, except as herein-after otherwise provided, be served at least six days before the time

of appearance mentioned therein, and if the defendant be found, it shall be served by delivering to him a copy thereof. But if the defendant shall not be found it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family of suitable age and discretion, who shall be informed of its contents. Such summons may be served by any competent person, and proof thereof by such person, by affidavit filed in the cause, shall have the same effect as if served by any constable.

May be served
by any compe-
tent person.

Approved May 3, 1879.

[No. 192.]

AN ACT to provide a punishment for libel and slander.

SECTION 1. *The People of the State of Michigan enact*, That any person who shall falsely and maliciously by word, writing, sign, or otherwise, accuse or impute to another the commission of any crime, felony or misdemeanor or any infamous or degrading act, or impute to any female a want of chastity, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail of the county in which such conviction shall be had, not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

What considered
a misdemeanor
under this act.

Penalty.

Approved May 3, 1879.

[No. 193.]

AN ACT to amend act number thirteen of the session laws of eighteen hundred and seventy-five, approved February eighteen, eighteen hundred and seventy-five, being "An act to amend section eighteen of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, entitled 'Courts held by justices of the peace,' " being compiler's section five thousand two hundred and sixty-six.

SECTION 1. *The People of the State of Michigan enact*, That act number thirteen of the session laws of eighteen hundred and seventy-five, approved February eighteen, eighteen hundred and seventy-five, being "an act to amend section eighteen of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one," being compiler's section five thousand two hundred and sixty-six, be and the same is hereby amended so as to read as follows:

Act amended.

(5266.) SEC. 18. Any plaintiff shall be entitled to an attachment against a defendant in any action founded on a judgment or on a contract, express or implied, if such plaintiff, or some person in his behalf, shall make and file with the justice an affidavit speci-

When plaintiff
entitled to
attachment.

fying, as near as may be, the amount due to the plaintiff, and containing a further statement, either that the deponent knows or has good reason to believe: either

First, That the defendant has assigned, disposed of or concealed, or is about to assign, dispose of or conceal, any of his property, with the intent to defraud his creditors; or

Second, That he is about to remove any of his property from the county in which such application is made, or from the county where the defendant resides, with the like intent, or that he has removed or is about to remove himself or his property from the county, and refuses or neglects to pay or to secure the payment of the debt;

Third, That he fraudulently contracted the debt or incurred the obligation respecting which the suit was brought; or

Fourth, That the defendant has absconded, to the injury of his creditors, or does not reside in this state, and has not resided therein for one month, immediately preceding the time of making the application;

Fifth, That the defendant is a foreign corporation: *Provided*, That such affidavit shall not be deemed insufficient by reason of the intervention of a day between the date of the jurat to such affidavit and the issuing of the writ, and that when the person making such affidavit shall reside in any other county in this state than that in which the writ of attachment is to issue, one day's time for every thirty miles by the usual post route, from the residence of such person to the place from which such writ shall issue, shall be allowed between the date of such jurat and the issuing of such writ.

Approved May 6, 1879.

[No. 194.]

AN ACT to amend section six of chapter fifty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand nine hundred and seventy-eight, relative to "the maintenance of illegitimate children."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of chapter fifty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section nineteen hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

Relief of persons imprisoned.

(1878.) SEC. 6. Any man who shall have been imprisoned six months for having failed to comply with the order of the circuit or superior court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution for debt: *Provided*, He shall procure the like notification of his intention to take the oath prescribed to poor debtors, to be served on the complainant if still living in this state, and a like notice upon one of the said superintendents of the poor, and upon the

Notice of intention to take oath.

prosecuting attorney of the county where such conviction shall have been had; such notification to be served at least thirty days before the time appointed for taking said oath: *Provided*, That the taking of such oath shall in no wise release the person taking the same from any civil liability to said complainant under an order of such circuit or superior court: *And provided further*, That in the trial of any cause for the recovery of any sum of money ordered by the circuit court to be paid by any defendant for the support of any illegitimate child, a certified copy of such order shall be *prima facie* evidence of the liability of such defendant.

Proviso—person taking oath not released from civil liability.

Approved May 7, 1879.

[No. 195.]

AN ACT to more fully define the powers and duties of prosecuting attorneys.

SECTION 1. *The People of the State of Michigan enact*, That the prosecuting attorney may, under the direction of the court, procure such assistance in the trial of any person charged with the crime of felony as he may deem necessary for the trial thereof, and such assistant shall be allowed such reasonable compensation as the board of supervisors or the board of county auditors in counties having county auditors, shall determine, for his services, to be paid by the county treasurer, upon presenting to said board the certificate of the circuit judge before whom said cause was tried, certifying to the services rendered by such assistant: *Provided*, That no person or attorney shall be employed as assistant who is interested as attorney or otherwise in any case involving the same facts or circumstances involved in said criminal suit, or who has received any compensation from any person or persons who are interested in prosecuting the party charged with said felony.

Prosecuting attorney may procure assistance in trials.

Compensation, how paid.

Proviso as to qualification of person employed.

Approved May 13, 1879.

[No. 196.]

AN ACT to provide for the care and preservation of the estates of persons missing, or absent and supposed dead.

SECTION 1. *The People of the State of Michigan enact*, That if any person shall be missing or absent from his usual place of residence in this state, and his whereabouts unknown, for the space of three months or more, and shall leave property which is going to waste or is in danger of being destroyed or lost for the want of a proper custodian, the judge of probate of the county in which he was last known to reside, shall have power, upon the application or petition of the wife or next of kin, or of one or more of his principal creditors, which petition shall state the facts of the case as known, and be verified by the oath of the applicant, to appoint

When temporary administrator may be appointed.

a temporary administrator to collect and take charge of the estate of the person so missing or absent, until the fact of his death or survival can be satisfactorily established, and in case of his death, until the question of the allowance of his will, if any, shall be determined, and an executor or administrator, or special administrator, shall be appointed and qualify.

Bond. SEC. 2. Such temporary administrator shall, before entering upon his trust, give a bond, as prescribed by law for other administrators, and shall, during his term of office, have such general powers as, and perform similar duties with, special administrators as now provided [for] by law. From the appointment of such temporary administrator there shall be no appeal, except by parties claiming an interest in the property of the absent person either as creditor, heir, legatee, owner or custodian: *Provided*, That no temporary administrator shall be appointed until after a hearing duly appointed before such judge of probate, and previous notice of such hearing shall be published once each week for three successive weeks in some newspaper in the county where such hearing is to be had.

Appeal.

Proviso.

Approved May 13, 1879.

[No. 197.]

AN ACT to amend sections five and fourteen of chapter eighty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's sections two thousand seven hundred and twenty and two thousand seven hundred and twenty-nine, relating to the improvement of rivers for the purposes of navigation.

Sections amended. SECTION 1. *The People of the State of Michigan enact*, That sections five and fourteen of chapter eighty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's sections two thousand seven hundred and twenty, and two thousand seven hundred and twenty-nine, relating to the improvement of rivers for the purpose [purposes] of navigation, be amended so as to read as follows:

Draft of improvement. (2720.) SEC. 5. After the organization of any such company as aforesaid, they may prepare a map or plan of the section or sections of the stream or streams, the navigation of which they propose to improve, and a plan for the improvement of the same, which shall show and set forth the several points in such stream where improvements are proposed to be made, and the nature and character of such improvements, and may submit the same to the board of control, and make application to said board for their approval thereof and their assent to the proposed improvements, whereupon the said board shall designate some regular meeting of their body at which said application shall be had. The company shall cause notice of said application and the meeting of the board fixed for the hearing thereof to be published once in each week for [the] six successive weeks next preceding the first day of said regular

Application to board of control for approval.

Publication of notice of meeting of board.

meeting in some newspaper published in Detroit, in some newspaper published in Grand Rapids, and East Saginaw, and also in some newspaper published in the town where said corporation has its office, if there be one, and if not then in some newspaper of the same or an adjoining county, and also in some newspaper published nearest the place where said improvements are to be made, and shall cause proper proofs of said publication to be filed with the board of control. At the meeting designated therefor, or at such subsequent meeting as the hearing shall be adjourned to, the board of control shall proceed to hear and determine the matter of said application, on which hearing all parties interested therein may appear and be heard. If upon such hearing, the board shall be of opinion that the construction of the proposed improvement will be a public benefit, and that the company is a proper one to make the same, they shall endorse upon such map or plan their approval thereof, and their assent to the construction of the improvement proposed, and shall also fix the time within which the same shall be completed by the company. Said board of control may, in their discretion, alter or amend such plan or plans before approving the same, or may, at any time after such approval consent to the alteration of such plans, upon the petition of the company which shall have presented the same after the publication of a notice of the hearing of said petition in the same manner required in this section upon the hearing of the original application.

Hearing and
decision thereon.

Board may alter
plan.

(2729.) SEC. 14. It shall be the duty of such company to complete the improvements contemplated by the plans approved as aforesaid within the time which shall be prescribed by the said board of control, at the time said plans shall be approved by said board of control, and in case of failure so to do said company shall forfeit all right to collect tolls of any person or persons whatever, who shall use for the purposes of navigation the improvements made by such company, unless the time for completing the same shall have been previously extended by said board of control, upon good cause shown and after publication of a notice of said application as required by section five of this act.

When right to
collect toll for-
feited.

Approved May 13, 1879.

[No. 198.]

AN ACT to provide for the regulation and enforcement of assignments for the benefit of creditors.

SECTION 1. *The People of the State of Michigan enact*, That all assignments commonly called common law assignments for the benefit of creditors shall be void unless the same shall be without preferences as between such creditors, and shall be of all the property of the assignor, [not] exempt from execution, and unless such instrument of assignment, or a duplicate thereof, an inventory of the assigned property, a list of the creditors of the assignor, and a

When assign-
ments to be void.

Bond, where filed.	bond for the faithful performance of the trust by the assignee, shall be filed in the office of the clerk of the circuit court of the county where such assignor resides, or, if he is not a resident of this state, then of the county where the assignee resides; if neither are residents of this state, then of the county where the assigned property is principally located, within ten days after the making thereof. Such assignment shall convey to the assignee all property of the assignor not exempt from execution, and all rights, legal or equitable, of said assignor: <i>Provided</i> , That no such assignment shall be effectual to convey the title to the property of the assignor to the assignee until such bond shall be executed, filed with, and approved by said clerk: <i>And provided further</i> , That no attachment or execution levied upon any assigned property of such assignor, after such assignment, and before the expiration of the time provided herein for filing such bond, shall be valid or create any lien upon such property.
Proviso.	
Proviso relative to attachment.	
Acknowledgment of assignment.	SEC. 2. Such assignment shall be acknowledged before some officer authorized to take acknowledgments. Such inventory shall be a detailed statement, as near as may be, of the general description, value, and location of all the property and rights assigned.
List of creditors.	Such list of creditors shall, as far as the assignor can state the same, contain the name and postoffice address of each, with statement of amount due, as near as may be, over and above all defenses, the actual consideration for the debt, and when contracted, and all securities, and the value thereof held by each creditor; which inventory and list of creditors shall contain the statement that the same are full and true to the best of the knowledge, information, and belief of the assignor, and shall be sworn to by him. Such bond shall be to the assignor for the joint and several use and benefit of himself, and each, any, and all of such creditors of such assignor, in the penal sum of at least double the value of the assigned property, as shown by such inventory, and shall be conditioned for the prompt and faithful administration of the trust by the assignee, and be signed by the assignee, and sufficient sureties, which sureties shall justify their responsibility before such clerk, or a circuit court commissioner, under oath, and shall testify that they are individually worth in the aggregate, over and above all exemptions and incumbrances and debts, the penal sum of said bond.
Bond to assignor, etc.	
Rights under assignment.	SEC. 3. Every such assignment shall confer upon such assignee the right to recover all property, or right, or equities in property which might be reached or recovered by any of the creditors of such assignor.
Notice to creditors.	SEC. 4. Every assignee and receiver shall, within ten days after receiving such trust, give notice, personally or by mail, to each such creditor thereof, and within ninety days thereafter make and file with such clerk proof of such service. The notices served shall require all creditors to prove their debts within ninety days thereafter, by affidavit to be filed in said clerk's office, or in default thereof, the assignee or receiver will proceed to distribute said

estate as soon as practicable thereafter, without reference to claims not proven when dividends are paid.

SEC. 5. Such assignees, within three months after receiving such trust, shall file a report in said clerk's office of the condition of said estate, containing a statement of all property whatsoever received by him, and the disposition made thereof, and of all moneys received, disbursed, and on hand, and have attached thereto vouchers for all expenditures, and shall quarterly thereafter make like report of all matters of said trust since the preceding report; and he shall also, as soon as practicable after receiving said assignment, cause an appraisement of all of such property to be made by two disinterested, competent persons, under oath, and cause the same to be filed with said assignment.

Report to be filed
in clerk's office.

Appraisement
of property.

SEC. 6. In case there shall be any fraud in the matter of said assignment, or in the execution of said trust, or if the assignee shall fail to comply with any of the provisions of this act, or fail or neglect to promptly and faithfully execute said trust, any person interested therein may file his bill in the circuit court in chancery of the proper county for the enforcement of said trust; and the court, in its discretion, may appoint a receiver therein, and the court shall have power to order the summary examination before himself, or a circuit court commissioner, of any party or witness, at any stage of said cause relative to the matters of said trust, and enforce attendance and the giving of testimony therein, in the same manner as in the trial of causes in such circuit courts in chancery.

Power of court
in case of fraud,
etc.

May appoint
receiver.

Approved May 13, 1879.

[No. 199.]

AN ACT to amend section one hundred and three of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and forty-nine relative to the eligibility of persons to township offices.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and three of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and forty-nine, relative to the eligibility of persons to township offices, be and hereby is amended to read as follows:

Section
amended.

SEC. 103. No person, except an elector as aforesaid, shall be eligible to any elective office contemplated in this chapter: *Provided, however*, That any female person of or above the age of twenty-one years, who has resided in this state three months, and in the township ten days next preceding any election, shall be eligible to the office of school inspector, or of superintendent of schools.

Who eligible to
office.

Approved May 13, 1879.

[No. 200.]

AN ACT requiring certain state officers to give bonds before entering upon their official duties.

Auditor general
and commis-
sioner of land
office to give
bond.

Where filed.

Additional bond.

SECTION 1. *The People of the State of Michigan enact*, That the auditor general and commissioner of the state land office, before entering upon the duties of their respective offices, shall give bond to the people of this state, in the sum of twenty-five thousand dollars, with three or more sureties, to be approved by the secretary of state and the attorney general, which bonds shall be filed in the office of the secretary of state. The secretary of state, with the concurrence of the attorney general, whenever he deems the sureties on the bond of the auditor general or the commissioner of the state land office to be insufficient security for the said sum of twenty-five thousand dollars, may demand, and the auditor general or the commissioner of the state land office shall give additional bond with sureties, to be approved by the secretary of state and the attorney general.

Approved May 13, 1879.

[No. 201.]

AN ACT to authorize boards of supervisors to transcribe and re-map torn and mutilated city and village plats.

Duty of board of
supervisors.

SECTION 1. *The People of the State of Michigan enact*, That whenever the register of deeds of any county shall notify the board of supervisors of said county that any of the city or village plats on record in said register's office are torn or mutilated, or are for any other reason likely to become destroyed or defaced so as to become illegible, it shall be the duty of said board of supervisors to ascertain the facts in relation to the matter as set forth by said register of deeds, and if after proper investigation said board shall deem it necessary to preserve the record of such plats from being lost or destroyed, they may employ a civil engineer, surveyor or other suitable person in connection with the register of deeds, to transcribe and re-map such and so many of said plats as said board of supervisors shall designate.

How re-mapping
to be done.

SEC. 2. Whenever the board of supervisors of any county shall authorize the transcribing and re-mapping of any city or village plat or plats as provided for in this act, it shall be by a resolution of said board, and such resolution shall particularly designate and describe the plat or plats to be re-mapped, and a copy of said resolution, together with a certificate that said resolution was passed by said board, and that said copy is a true copy thereof, signed by the chairman and clerk of said board, shall be recorded in said register's office, and such resolution so recorded or a certified copy thereof shall be received in all courts of this state as *prima facie* evidence of the facts therein set forth, and of the

legality of the proceedings of said board of supervisors in said matter.

SEC. 3. Whenever the board of supervisors of any county shall authorize the re-mapping of any city or village plat, such map shall be made on sheets of good muslin-backed paper, eighteen inches by twenty-four inches, or any size required, and shall be an exact transcript of the original plat, and shall contain in addition thereto the affidavit of the register of deeds and other person employed to make such map, that such map is an exact transcript of each, all, and every part of the original plat then on record in said register's office, which affidavit shall be sworn to and subscribed before some officer authorized to take the acknowledgment of deeds, and shall be witnessed and attested in the same manner as is required in taking the acknowledgment of deeds. When such map shall conform in all respects to the requirements of this act, the said register shall then securely fasten the said map in a book of a suitable size for such paper so that it shall not be folded; which book shall be provided at the expense of the county, and such map so fastened in said book, shall be held and taken to be a record of the original plat with like effect as if it were the original plat on record in said register's office, and such map made in accordance with the provisions of this act or a properly certified transcript thereof, shall be received in all courts of this state as *prima facie* evidence of the making and recording of the original plat in accordance with the law requiring said plat to be made and recorded.

How maps to be made.

To be deposited with register of deeds.

SEC. 4. For any willful violation of the provisions of this act, by a register of deeds or other person employed by a board of supervisors in connection with a register of deeds, as provided in section one of this act, he shall be liable to a penalty of not to exceed the sum of one hundred dollars, and shall also be liable to pay all damages which any person may sustain by reason thereof, to be recovered in an action of trespass on the case.

Penalty for violation of act.

SEC. 5. The several persons herein named shall receive such compensation as the board of supervisors shall award them.

Compensation.

Approved May 13, 1879.

[No. 202.]

AN ACT to prevent and punish the sending of any explosive substance to a person with intent to do bodily harm.

SECTION 1. *The People of the State of Michigan enact*, That if any person shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any kind of explosive substance, or any other noxious or dangerous thing, with intent in so doing to burn, maim, disfigure or disable any person, or do bodily harm to any person, and every person privy to such intent, who shall aid in the commission of such offense, when death shall not

Penalty for sending explosives, etc., for purpose of doing injury to persons.

result, shall be punished by imprisonment in the state prison not exceeding five years.

Approved May 20, 1879.

[No. 203.]

AN ACT to authorize the board of control of state swamp lands to make an appropriation of swamp lands, to construct that portion of the Tuscola and Saginaw bay state road not now constructed, on the township line between the townships of Gilford, Fairgrove, Wisner and Akron, in Tuscola county.

<p>Appropriation of land.</p> <p>Limit of lands appropriated.</p> <p>Line of road.</p> <p>Proviso—where lands to be selected.</p> <p>Proviso.</p>	<p>SECTION 1. <i>The People of the State of Michigan enact</i>, That the state board of control of state swamp lands are hereby authorized to appropriate, in addition to the lands heretofore appropriated, not exceeding ten sections, as they may deem proper after a full investigation of its merits, to aid in constructing that part of the Tuscola and Saginaw bay state road, on the township line between the township [townships] of Gilford, Fairgrove, Wisner and Akron in Tuscola county: <i>Provided</i>, That the additional lands appropriated by this act be taken from Tuscola county: <i>And provided further</i>, That such construction shall be done in pursuance of the provisions of law in relation to the construction of swamp land state roads and drains.</p>
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Approved May 20, 1879.

[No. 204.]

AN ACT to amend chapter two hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, by adding a new section thereto to stand as section twelve, relative to the foreclosure of mortgages.

<p>Chapter amended.</p> <p>Limit of time as to foreclosures of mortgage.</p> <p>Proviso as to mortgages due at passage of this act.</p>	<p>SECTION 1. <i>The People of the State of Michigan enact</i>, That chapter two hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended by adding a new section thereto to stand as section twelve of said chapter.</p> <p>SEC. 12. No suit or proceeding shall be maintained to foreclose a mortgage on real estate, either at law or in equity, unless commenced within fifteen years from and after such mortgage shall become due and payable, or within fifteen years after the last payment was made on said mortgage: <i>Provided, however</i>, That this act shall not be construed to apply to mortgages which have been due fifteen years or more, or the last payment upon which was made fifteen years or more prior to the passage of this act, but in all such cases no suit or proceedings shall be maintained to foreclose the same unless commenced within five years after this act shall take effect.</p>
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Approved May 20, 1879.

[No. 205.]

AN ACT to amend section one of act number one hundred and fifty-nine of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the board of supervisors of the several counties in this state to provide for the preservation and maintenance of the original section corners and quarter posts, as surveyed and recorded by the original survey thereof."

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and fifty-nine of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the boards of supervisors of the several counties in this state to provide for the preservation and maintenance of the original section corners and quarter posts, as surveyed and recorded by the original survey thereof," be, and the same hereby is amended so as to read as follows: Section amended.

SECTION 1. The boards of supervisors of the several counties are hereby authorized to establish and perpetuate any government section corners or quarter posts in their respective counties, which they may have good reason to believe are lost, or are in danger of being lost, by the employment of a surveyor thereof [therefor]; who shall keep a full and complete record of his work; giving in detail the evidence [evidences] by which any corner is identified; also the manner in which lost corners are reestablished; which record shall be kept in a book provided by the county and kept in the office of the register of deeds, and the record so made and entered by the surveyor, aforesaid, shall be received as evidence in all the courts of this state wherein any question may arise as to the establishment or identification of such corner or corners. And the surveyor so establishing the same may charge the county with the amount of his legal fees, and for labor and material furnished, said charges to be audited by the board of supervisors the same as other county expenses. Board of supervisors may employ surveyor to establish corners.
Record.
Record evidence.
Fees.

Approved May 20, 1879.

[No. 206.]

AN ACT to amend section seven of chapter one hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand three hundred and eighty-three, relative to proceedings in probate court.

SECTION 1. *The People of the State of Michigan enact, That* section seven of chapter one hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section forty-three hundred and eighty-three, be and the same is hereby amended so as to read as follows: Section amended.

(4383.) SEC. 7. Such special administrator shall not be liable to an action by any creditor, or to be called upon in any other way to pay the debts against the deceased, except, on special application When special administrator may pay claims.

Order from judge
of probate.

Provided,

of any creditor, the judge of probate may for special reasons, on the usual notice in such cases, allow any one or all claims against such estate, to be proved before him; and, if so proved, said judge of probate may order and direct the payment by said special administrator of all or any of such claims so allowed by him; and said judge may for special reasons on the usual notice also order and direct the payment, after the time for appeal shall have expired, by said special administrator of all or any claims otherwise properly allowed by commissioners against said deceased and said estate: *Provided*, That in no case shall the judge of probate direct the payment by the special administrator of any but preferred claims, provided for by statute.

Approved May 20, 1879.

[No. 207.]

AN ACT to amend act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, by adding a new section at the end of article two, to stand as section forty-one, and by adding three new sections at the end of article four, to stand as sections seventeen, eighteen, and nineteen, and to repeal an act entitled "An act to amend act number thirty-three, session laws of eighteen hundred and seventy-five, entitled 'An act to prohibit the use of naphtha or any product of coal oil or petroleum for lighting passenger cars,' approved March seventeenth, eighteen hundred and seventy-five," approved March eleventh, eighteen hundred and seventy-nine.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, be amended by adding a new section at the end of article two to stand as section forty-one of said article, and to read as follows:

Railroads to
grant equal
facilities, etc.

Platforms and
station houses.

SEC. 41. All railroad corporations shall grant equal facilities for the transportation of passengers and freight to all persons, companies, or corporations, without discrimination in favor of any individuals, companies, or corporations; and shall, at all points of connection or intersection with the roads of other corporations, unite with such corporations in establishing and maintaining suit-

able platforms and station houses for the convenience of passengers desiring to transfer from one road to the other, and for the transfer of baggage or freight, whenever the same shall be desired by either corporation, or ordered by the commissioner of railroads; the expense of constructing and maintaining such station house and platform shall be paid equally by such corporations. Such corporations, connecting or intersecting as aforesaid, shall also, whenever desired by either of them, or ordered by the commissioner of railroads, so unite and connect the tracks of said several corporations, as to permit the transfer from the track of one corporation to the other of loaded or unloaded cars designed for transportation upon both roads. No railroad corporation shall in any manner discriminate in its rates of freight tariff from the same place to the same place in this state in favor of any individual, company or corporation doing business over its line of road, and shall grant the same rights and privileges to all shippers, subject to the same rates and classification, without rebate or any other special privilege or rate not extended to all other shippers in the same class who ship a like quantity or quantities. Any railroad corporation refusing to comply with any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars.

Expenses of constructing.

When to connect tracks with other roads.

Discrimination in freights prohibited.

Penalty.

SEC. 2. That three new sections be added to article four to stand as sections seventeen, eighteen and nineteen, and to read as follows:

Sections added.

SEC. 17. All railroads through enclosed lands that shall not be fenced as required by section fifteen of this article, within the time therein required, shall not be operated through such enclosed lands without the consent in writing of the owner or occupant thereof. Upon complaint being made to the commissioner of railroads by any person owning or occupying such lands, that a railroad is being operated through the same, in violation of the provisions of this section, it shall be his duty to ascertain the facts in regard thereto, and if satisfied that a railroad is being so operated, he shall cause notice to be served upon the officer operating such road, requiring such fences and cattle guards to be constructed within sixty days from the date of such notice. In case of failure to fence the road within the time prescribed by such notice he shall cause proceedings to be instituted in the name of the people of the state of Michigan by the prosecuting attorney of the proper county, to enjoin the operation thereof until the fences and cattle-guards are constructed in accordance with the requirements of said section fifteen; and no proceedings to stop the running of trains through such lands shall be had except as herein provided.

When road through enclosed lands not to be operated without consent of owner.

Duty of railroad commissioner.

Proceedings to enjoin company.

SEC. 18. Every railroad corporation shall provide a uniform, hat or cap and distinguishing badge to be worn by all its employes whose duties relate to the immediate transportation of passengers or their baggage. A corporation neglecting to furnish and provide such uniform, hat, or cap, and badges, shall forfeit one hundred dollars for each week such neglect shall continue; and if any employe for whom such uniform, hat, or cap, and badge is provided shall neglect when on duty to wear the same, the corporation

Uniform hat or cap to be worn by employes.

Penalty for neglect to provide.

Penalty for neglect to wear.

employing him, shall for each case of such neglect, forfeit the sum of five dollars; and said corporation may retain the same out of the wages of the employé so offending; no employé unless wearing his uniform, hat or cap and badge shall be permitted to exercise any authority, or perform any of the duties of his office. The provisions of this section shall not apply to engineers and firemen.

Not to apply to engineers and firemen.

What oil may be used for lighting cars.

SEC. 19. No passenger car on any railroad shall be lighted by naphtha, or by any illuminating oil or fluid made in part of naphtha, or wholly or in part from coal oil or petroleum, or other substance or material which will ignite at a temperature of less than three hundred degrees Fahrenheit. Any railroad corporation which violates the provisions of this section shall forfeit a sum not exceeding five hundred dollars.

Act repealed.

SEC. 3. An act entitled "An act to amend act number thirty-three, session laws of eighteen hundred and seventy-five, entitled 'An act to prohibit the use of naphtha or any product of coal oil or petroleum for lighting passenger cars,' approved March seven-teenth, eighteen hundred and seventy-five," approved March eleventh, eighteen hundred and seventy-nine, be and the same is hereby repealed.

Approved May 21, 1879.

[No. 208.]

AN ACT to amend act number forty-nine of the session laws of eighteen hundred and seventy-three, approved March twenty-seventh, eighteen hundred and seventy-three, entitled "An act to amend section two thousand and eighty-seven of the compiled laws of eighteen hundred and seventy-one," being section one of an act entitled "An act to prevent fishing with seines and pound or trap-nets in the small inland lakes and streams in the state of Michigan," approved March eleventh, eighteen hundred and sixty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two thousand and eighty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act number forty-nine of the session laws of eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Fishing with seines, nets, etc., prohibited.

(2087.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter, at any time to fish with seines, pound-nets, trap-nets, or any species of continuous nets, or during the months of March or April by spearing or shooting in any of the waters of the state of Michigan, except lakes Michigan, Superior, Huron, St. Clair, the St. Clair and Detroit rivers, and lake Erie, and the harbors connected with said lakes: *Provided*, Nothing in this act shall be construed as prohibiting sole owners of fish ponds from fishing therein, as they may think proper, or as prohibiting any person from catching mullet, suckers, reddsides,

Proviso.

wall-eyed pike, or sturgeon, during the months of March, April and May, by spearing or with dip-nets.

Approved May 21, 1879.

[No. 209.]

AN ACT to amend an act entitled "An act to maintain political purity," approved May twenty-second, eighteen hundred and seventy-seven, by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact*, That Act amended. an act entitled "An act to maintain political purity," approved May twenty-second, eighteen hundred and seventy-seven, be and the same is hereby amended by adding the following section thereto to stand as section ten, viz.:

SEC. 10. It shall be deemed a violation of this act and of the preceding section to sell, barter, or give away spirituous, vinous, or malt liquors on any election day after the hour at which, by law, the polls are closed. Unlawful to sell liquor after polls closed.

Approved May 21, 1879.

[No. 210.]

AN ACT to amend sections five and seventeen of act number one hundred and forty-three of the session laws of eighteen hundred and forty-eight, being compiler's sections five thousand eight hundred and ninety-four and five thousand nine hundred and six of the compiled laws of eighteen hundred and seventy-one, relative to depositions of witnesses in civil cases.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections five and seventeen of act number one hundred and forty-three of the session laws of eighteen hundred and forty-eight, being compiler's sections five thousand eight hundred and ninety-four and five thousand nine hundred and six of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

(5894.) SEC. 5. The notice shall be served by delivering a true copy thereof to the person to be notified, or in case the person to be notified is not found within the county then such notice may be served by leaving a copy thereof at the place of abode of the said party to be served therewith; allowing in all cases not less than twenty-four hours after such notice before the time appointed for taking the depositions, and also allowing time for his travel to the place appointed after being notified, not less than at the rate of one day (the first day of the week excluded) for every twenty miles by the usually traveled route: *Provided*, That if the distance by such route is more than two hundred and forty miles, twenty days' notice (the first day of the week excluded) shall be sufficient. How notice served on witnesses.

(5906.) SEC. 17. Depositions of witnesses residing out of this What time allowed after service of notice.

Depositions out
of state may be
used in courts.

Proviso.

Before whom
depositions may
be taken.

Certificate of
county clerk.

state, and in the United States or Canada, may be taken and used in suits and proceedings before any of the courts of this state, in the same manner and under the same regulations, as near as may be, as are prescribed in this act in such cases for taking depositions of witnesses residing in this State: *Provided*, That in all such cases when the distance from the place where the suit is pending to the place appointed for the taking of the deposition or depositions shall be more than four hundred miles by the usually traveled route, thirty days' notice, served as provided in section five of this act, shall be sufficient, and in all other cases notice shall be served as provided in said section five, and in all cases of taking depositions under this section, the same may be taken by and before any officer authorized by the laws of the place where the same may be taken to administer oaths, but in such cases a certificate under the official seal of the county clerk of the county where taken, or of the clerk of the principal court of record for said county, or some other proper county officer, shall be attached to the deposition, showing the official capacity in which the person acted before whom the deposition was taken.

Approved May 21, 1879.

[No. 211.]

AN ACT to amend section two of chapter two hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, being section seven thousand three hundred and twenty-four, relative to relief of poor debtors from imprisonment.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter two hundred and thirty-five, being section seven thousand three hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, relative to relief of poor debtors from imprisonment, be amended so as to read as follows:

Jailor or sheriff
to notify judge,
etc.

[[7324.]] SEC. 2. The person so entitled to apply for his discharge may represent to the jailor or sheriff in whose custody he shall be that he is unable to pay the amount due on the execution or executions by virtue of which he is imprisoned, and is desirous to take the benefit of the law for the relief of poor debtors, and thereupon such sheriff or jailor shall make such desire known to a circuit court commissioner or judge of the circuit court for the same county, or to the judge of any superior court from which the execution or executions issued by virtue of which the person so entitled to apply for his discharge is imprisoned or held by such sheriff or jailor.

Approved May 21, 1879.

[No. 212.]

AN ACT relative to docket entries of justices of the peace, police justices, and other officers exercising the jurisdiction of justices of the peace in criminal cases.

SECTION 1. *The People of the State of Michigan enact, That* justices of the peace of townships, police justices of incorporated villages and cities of this state, and other officers exercising the jurisdiction of justices of the peace, shall make a full and complete docket entry of the proceedings in each and every criminal case brought before him, in a similar manner as is now required by law in civil cases. Docket entries in criminal cases.

SEC. 2. The dockets containing the entries as provided for in the preceding section of this act, shall be public records and subject to inspection and examination at all times, and shall be delivered, together with the civil docket and other books and files, to the successors in office of the respective officers herein named, and when filled shall be filed in the office of the county clerk, to be and remain a public record. Dockets, public records, etc.

Approved May 22, 1879.

[No. 213.]

AN ACT to amend section three of an act entitled "An act relative to the costs of proceedings in criminal cases," approved March thirteenth, eighteen hundred and forty-nine, being section seven thousand four hundred and ninety of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section three of an act entitled "An act relative to the costs of proceedings in criminal cases," approved March thirteenth, eighteen hundred and forty-nine, being section seven thousand four hundred and ninety of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(7490.) SEC. 3. In courts of record such witness shall prove his attendance and travel, in open court, before the clerk, and in justice courts, before the justice, on the day of trial, or upon an examination; and a certificate thereof from the justice shall authorize the board of supervisors or board of county auditors of counties having county auditors of the proper county to audit and allow the fees of witnesses attending such justice's court as aforesaid, in the same manner as other contingent charges against the county; and a certificate thereof from the clerk of such court of record, shall authorize the county treasurer to pay the fees of witnesses attending such court of record, as aforesaid, in the same manner as the fees of jurors attending such courts are paid. How fees of witnesses proved and allowed.

When county treasurer to pay fees of witnesses.

Approved May 22, 1879.

[No. 214.]

AN ACT providing fees of circuit court commissioners in cases of prosecutions for felonies and sureties of the peace.

Fees of circuit court commissioners in prosecutions for felonies, etc.

SECTION 1. *The People of the State of Michigan enact*, That for services rendered by circuit court commissioners in cases of prosecutions for felonies, or for requiring sureties of the peace, such circuit court commissioners shall be entitled to the same fees as are by law provided for similar services in civil cases.

Approved May 22, 1879.

[No. 215.]

AN ACT to amend sections three and five of chapter two hundred and six of the compiled laws of eighteen hundred and seventy-one, entitled proceedings against corporations in chancery.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and five of chapter two hundred and six of the compiled laws of eighteen hundred and seventy-one, entitled proceedings against corporations in chancery, be amended so as to read as follows:

Jurisdiction of courts over officers of corporations.

SEC. 3. The circuit court within the proper county shall have jurisdiction over directors, managers, trustees, and other officers of corporations, and over any persons who may have held such offices, in any corporation, provided that proceedings are commenced within one year after they have ceased to be such directors, managers, trustees, and other officers.

First, To compel them to account for their official conduct in the management and disposition of the funds and property committed to their charge;

Second, To decree and compel payment by them to the corporation whom they represent, and to its creditors, of all sums of money and of the value of all property which they may have acquired to themselves or transferred to others, or may have lost or wasted by any violation of their duties as such directors, managers, trustees, or other officers;

Third, To suspend any such trustee or officer from exercising his office whenever it shall appear that he has abused his trust;

Fourth, To remove any such trustees [trustee] or officer from his office upon proof or conviction of gross misconduct;

Fifth, To direct new elections to be held by the body or board duly authorized for that purpose, to supply any vacancy created by such removal;

Sixth, In case there be no such body or board, or all the members of such board be removed, then to report the same to the governor, who shall be authorized, with the consent of the senate, to fill such vacancies;

Seventh, To set aside all alienations of property made by the trustees or other officers of any corporation contrary to the pro-

visions of law, or for purposes foreign to the lawful business and objects of such corporations, in cases where the person receiving such alienation knew the purposes [purpose] for which the same was made; and,

Eighth, To restrain and prevent any such alienation in cases where it may be threatened or there may be good reason to apprehend that it is intended to be made.

SEC. 5. The jurisdiction conferred in the third section of this chapter shall be exercised as in ordinary cases on bill, or petition, as the case may require, or as the court may direct, at the instance of the attorney general, prosecuting in behalf of the people of this state, or at the instance of any creditor of such corporation, or at the instance of any director, trustee, or other officer of such corporation having a general superintendence of its concerns, or by any stockholder of such corporation.

How jurisdiction exercised.

Approved May 22, 1879.

[No. 216.]

AN ACT to amend sections twenty-one and twenty-two of act number two hundred and thirty-three of the session laws of eighteen hundred and seventy-five, entitled "An act to reenact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the formation of corporations to construct canals or harbors and improve the same, by adding two new sections thereto, and by restricting its operations to the Upper Peninsula," approved May fourth, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-one and twenty-two of act number two hundred and thirty-three of the session laws of eighteen hundred and seventy-five, entitled "An act to reenact and amend chapter eighty-four of the compiled laws of eighteen hundred and seventy-one, relative to the formation of corporations to construct canals or harbors and improve the same, by adding two new sections thereto, and by restricting its operations to the Upper Peninsula," be and the same is hereby amended so as to read as follows:

Sections amended.

SEC. 21. Any county through which any such improved river or stream shall pass, or in which the greater part of any such improvements have been constructed, or in which any canal shall have been constructed, within the provisions of this act, shall have the right to purchase any such canal or improvement, by paying to any such company the amount of their capital stock and the amount of all subsequent expenditure in repairing, altering or enlarging any such canal or improvements, and interest at the rate of ten per cent per annum, on said amounts, deducting from the amount of interest the net proceeds of any such company; and the board of supervisors of any such county to take the management of any such canal or improvement so purchased; to receive and collect

Counties may purchase canal or improvement.

Board of supervisors may manage.

Conveyance to United States to extinguish power of county to purchase. tolls the same as provided for in this act; to appoint proper officers for the management of the same, with proper salaries for their services, and shall be entitled to the privileges and remedies provided in this act. Any corporation organized under this act may convey its property and franchises to the United States, and such conveyance shall extinguish the power of the county to purchase the same.

Question of purchase submitted to electors.

Provido.

SEC. 22. The board of supervisors of any such county may at any time, by a majority vote, submit the question of purchasing any such canal, harbor or improvement to the electors of said county; and if a majority of the electors shall decide to purchase any such canal, harbor or improvement, then the board of supervisors shall be authorized to purchase the same, and may, for that purpose, issue the bonds of said county to an amount sufficient to make such purchase: *Provided*, That if the property and franchises of any corporation, organized under the provisions of this act, shall be conveyed to the United States, as provided in section twenty-one of this act, then in such case the provisions of this section shall not be operative.

Approved May 22, 1879.

[No. 217.]

AN ACT to amend section one of an act entitled "An act for the incorporation of associations for yachting, hunting, boating, fishing, rowing and other lawful sporting purposes," the same being act number one hundred and twenty-two, session laws of eighteen hundred and seventy-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act for the incorporation of associations for yachting, hunting, boating, fishing, rowing, and other lawful sporting purposes," the same being act number one hundred and twenty-two of the session laws of the year one thousand eight hundred and seventy-seven, be and the same is amended so as to read as follows:

Who may be incorporated.

SECTION 1. That any ten or more persons of full age, at least six of whom shall be citizens of this state, who shall desire to associate themselves for yachting, hunting, fishing, boating, rowing or other lawful sporting purposes, may make, sign and acknowledge before any officer authorized to take acknowledgements of deeds in this state, and file in the office of the secretary of state of this state, and also in the office of the county clerk, where the business of the association shall be conducted, a certificate in writing, in which shall be stated the name or title by which such association shall be known in law; the particular business or object of such association; the number of directors or managers to manage the same, and the names of such directors or managers for the first year of its existence; but nothing in this act contained shall authorize the

Where certificate to be filed.

What certificate to state.

incorporation of any association for any purpose repugnant to any statute of this state or prohibited thereby.

Approved May 22, 1879.

[No. 218.]

AN ACT to amend section seven thousand five hundred and ninety of the compiled laws of eighteen hundred and seventy-one, relating to offenses against property.

SECTION 1. *The People of the State of Michigan enact, That* section seven thousand five hundred and ninety of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(7590.) SEC. 39. Every person who, with intent to defraud or cheat another, shall designedly, by color of any false token or writing, or by any other false pretense, cause any person to grant, convey, assign, demise, lease or mortgage any land or interest in land, or obtain the signature of any person to any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money, personal property or valuable thing, or by means of any false weights or measures, obtain a larger amount or quantity of property than was bargained for, or by means of any false weights or measures, sell or dispose of a less amount or quantity of property than was bargained for, shall be punished by imprisonment in the state prison not more than ten years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year. Obtaining property by false pretense.

Using false weights.

Penalty.

Approved May 23, 1879.

[No. 219.]

AN ACT to amend an act entitled "An act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereof, by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereof, be and the same is hereby amended by adding thereto the following new section, to stand as section thirty-two. Act amended.

SEC. 32. No plank road company organized subject to the provisions of this act, shall, without the consent of the local authorities, keep or maintain a toll-gate within the present or future corporate limits of any city, or village; and no such company shall collect toll for any portion of its road, within such limits, on which a pavement is maintained by such municipality. The assent of any such company to this amendment shall not be necessary in order to make this act applicable to such company. And if any Toll gates not to be kept in city or village limits without consent of authorities.

Removal of toll
gates.

plank road company or companies in this state are, at the time of the passage of this act, maintaining any toll-gate within the present corporate limits of any city or village, said plank road company or companies, are hereby required to discontinue and remove said toll-gate beyond the limits of said city or village, within sixty days after they are notified by the municipal authorities to so discontinue or remove the same.

Approved May 23, 1879.

[No. 220.]

AN ACT to authorize and empower the board of control of state swamp land [lands] to make an appropriation of three sections of swamp land to aid in the completion of the Greenville and Bloomer state road, in Montcalm county.

Board of control
authorized to
appropriate land.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of state swamp land [lands] are authorized and empowered if by them deemed expedient and to the interest of the state, and especially to the section of country to be benefited thereby, and for the purpose [purposes] of drainage and reclamation, to appropriate not to exceed three sections of state swamp land to aid in the completion of the Greenville and Bloomer state road in Montcalm county: *Provided*, That the said road shall be constructed and such expenditure shall be made in pursuance of the provisions of law in relation to the construction of swamp land state road and drains under the supervision of the state swamp land commissioner and said board of control.

Approved May 23, 1879.

[No. 221.]

AN ACT to amend an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereto, approved February twelfth, eighteen hundred and fifty-five, and February seventeenth, eighteen hundred and fifty-seven.

Section
amended.

Companies may
construct gravel
roads.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, which was amended by an act amendatory thereto, approved February twelfth, eighteen hundred and fifty-five, and amended by an act approved February seventeenth, eighteen hundred and fifty-seven, being section two thousand five hundred and sixty-one of the compiled laws of eighteen hundred and seventy-one, be so amended as to read as follows:

(2561.) SEC. 31. All companies that have been or may be hereafter organized, subject to the provisions of this act, instead of eight feet in width of plank road required by section sixteen of this act, may construct all or any portion of said road of gravel

instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than nine inches in depth, and the dirt, sand, and stones over one and one-half inches in diameter, shall be sifted out and removed from the same: *And provided*, Said companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair as are provided for in said act in relation to plank roads.

Width, etc., of road.

Penalty for not keeping road in repair.

Approved May 23, 1879.

[No. 222.]

AN ACT to amend consecutive section five thousand nine hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, relative to proof of demands in suit.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act relative to proof of demands in suit," approved March twenty-sixth, eighteen hundred and sixty-seven, being compiler's section five thousand nine hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

(5954.) SEC. 1. That in all actions brought in any of the courts of this state, to recover the amount due on an open account, or upon an account stated, if the plaintiff, or some one in his behalf, shall make an affidavit of the amount due, as near as he can estimate the same, over and above all legal set-off, and annex thereto a copy of said affidavit and account to be served upon the defendant, with a copy of the declaration filed in the cause, or with the process by which such action is commenced, such affidavit shall be deemed *prima facie* evidence of such indebtedness, unless the defendant, with his plea, shall, by himself or agent, make an affidavit, and serve a copy thereof on the plaintiff or his attorney, denying the same; and if the defendant in any action shall give notice, with his plea of a set-off, founded upon an open account, or upon an account stated, and shall annex to such plea and notice a copy of such account, and an affidavit made by himself, or by some one in his behalf, showing the amount or balance claimed by the defendant upon such account, and that such amount or balance is justly owing and due to the defendant, or that he is justly entitled to have such account, or said balance thereof, set-off against the claim made by said plaintiff, and shall serve a copy of such account and affidavit, with a copy of such plea and notice, upon the plaintiff, or his attorney, such affidavit shall be deemed *prima facie* evidence of such set-off, and of the plaintiff's liability thereon, unless the plaintiff, or some one in his behalf, shall within ten days after such service in causes in the circuit court, and before trial in other cases, make an affidavit denying such account, or

Affidavit of plaintiff as to amount due and as to set-off.

When deemed evidence.

Affidavit of defendant.

Proviso.

some part thereof, and the plaintiff's indebtedness or liability thereon, and serve a copy thereof upon the defendant or his attorney, and in case of a denial of a part of such set-off, the defendant's affidavit shall be deemed to be *prima facie* evidence of such part of the set-off as is not denied by the plaintiff's affidavit: *Provided*, That any affidavit in this section mentioned shall be deemed sufficient if the same is made within the ten days next preceding the issuing of the writ or filing of the declaration or plea.

Approved May 23, 1879.

[No. 223.]

AN ACT to amend section one of chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section nineteen hundred and sixty, as amended by act number one hundred and thirteen of the session laws of eighteen hundred and seventy-three, relative to disorderly persons, approved April eighteenth, eighteen hundred and seventy-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and thirteen of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, relative to disorderly persons, be and the same is hereby amended so as to read as follows:

What persons deemed disorderly.

(1960.) SECTION 1. All persons who do run away, or threaten to run away and leave their wives or children a burden on the public; all persons who being of sufficient ability, refuse or neglect to support their families and leave their wives or children a burden on the public; all persons pretending to tell fortunes, or with whom lost or stolen goods may be found; all common prostitutes; all keepers of bawdy houses, or houses for the resort of prostitutes; all drunkards, tipplers, gamesters; all persons knowingly selling or giving intoxicating liquors to drunkards and tipplers or other disorderly persons; all persons who have no visible calling or business to maintain themselves by, or who do, for the most part, support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profits, any puppet-show, wire or rope dancing, or other idle show, acts or feats; all persons who keep in any highway or in any public place, any gaming table, wheel of fortune, box, machine, instrument, or device for the purpose of gaming; all persons who go about with such table, wheel of fortune, box, machine, instrument, or device exhibiting tricks, or gaming therewith; all persons who play in the public streets or highways, with cards, dice, or any instrument or device for gaming, and all vagrants, shall be deemed disorderly persons: *Provided*, That persons complained of as being disorderly, under the provisions of this act, shall be entitled to a jury trial as provided in case [cases] of misdemeanor.

Proviso as to jury trial.

Approved May 23, 1879.

[No. 224.]

AN ACT to provide for an appropriation for the publishing [of] the proceedings of the annual meetings of the Michigan superintendents of the poor for the years eighteen hundred seventy-nine and eighteen hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund the sum of one hundred dollars for each of the years eighteen hundred seventy-nine and eighteen hundred eighty, to be expended in publishing the proceedings of the annual meetings of the Michigan superintendents of the poor for each of said years. Amount appropriated.

SEC. 2. Said moneys shall be expended under the direction of the secretary of the state board of charities, who shall report to the governor, on or before the first day of July in each of said years, giving an itemized account of the manner of such expenditures. And the auditor general shall issue his warrant for the payment of said money on presentation to him of the order of the president of the state board of charities, countersigned by the secretary thereof. How money expended.

Approved May 24, 1879.

[No. 225.]

AN ACT to provide for the incorporation of Baptist churches.

SECTION 1. *The People of the State of Michigan enact*, That whenever a Baptist church shall desire to have and possess corporate powers and privileges, the deacons or other persons whom the church may desire to act as such trustees, in number not less than three nor more than nine, having been duly elected to their office as hereinafter provided, and having been instructed at any regular church or covenant meeting by the [a] majority of the members of said church then present to act as trustees for such church, and to prepare articles of corporation, shall proceed to prepare such articles in the manner hereinafter provided, and they shall thereafter submit them to a regular church or covenant meeting of said church, and if the consent of a majority of the members then present, be obtained, then the deacons or other persons acting as trustees for said church, shall proceed to execute and acknowledge before any person authorized to take acknowledgment of deeds, a certificate which shall contain, Who may incorporate.

First, The corporate name of the church ; What to contain.

Second, The township, city or village, and county in which the church is located ;

Third, A copy of the records of the vote or resolution of the church authorizing the preparation of the articles of corporation, as well as a like copy of the vote or resolution of the church accepting or adopting such articles ;

Fourth, A copy of the articles of corporation so adopted ;

Fifth, Such certificate shall be signed by the aforementioned

Record of articles.	deacons, or trustees, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein, and thereupon the deacons or trustees elected as herein provided, and their successors, together with the members of such church, shall become a corporation, known by the name expressed in said certificate.
Qualification of trustees.	SEC. 2. The deacons or other persons who shall serve the church as trustees under this act, shall be male citizens of the United States, twenty-one years of age or over, when elected to office, and shall be elected by ballot in accordance with the usage and custom of said church, or in such manner as may be provided in their articles of corporation.
Term of office.	SEC. 3. The deacons or other persons who may be elected as trustees, shall hold their office for such length of time, and upon such conditions as the church may designate in their articles of corporation.
Trustees subject to control of church.	SEC. 4. The trustees shall be subject, in all their official duties, to the control and direction of the church. And in case the church shall desire to buy, sell or lease real estate, then a notice declaring such desire and intention, which shall designate the property to be bought, sold or leased, shall be read at the regular church or covenant meeting next preceding the regular meeting, at which final action shall be taken authorizing such purchase, sale or lease; and after such authority shall have been so granted by the church, the trustees shall have full power to purchase, sell or lease such real estate upon such terms and conditions as shall not be inconsistent with the instructions given by the church.
Seal, etc.	SEC. 5. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, or to any person or persons for their use.
Corporate powers.	SEC. 6. Such trustees may also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges, all churches, buildings, burying places, and all the estate and appurtenances belonging to such church, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully as if the right and title thereto had been originally vested in said trustees. And they may hold in perpetuity so much land not exceeding twenty acres, as may be needed for church buildings and yards, burial grounds, and pastor's residence. And they may hold for a period not exceeding three years, any land which may be lawfully conveyed to them, or to the church for which they are trustees, not exceeding ten thousand dollars in value, to be sold for the purposes of raising a fund for erecting, repairing, or improving a church or churches, or other buildings aforesaid, or for the purchase or improvement of any cemetery or burial ground. But all such lands shall revert to the donor, or grantor, his or her heirs or assigns, if not disposed of within the time aforesaid, unless the

same shall, during such time, be appropriated and used as a part of the church, burial or parsonage grounds, of such organization as hereinbefore provided.

SEC. 7. If it shall happen that any church organized under the provisions of this act, shall from any cause be found at any time without trustees, such church shall not for that cause lose its corporate existence, but such church may at any time proceed to elect trustees as provided in this act. Church without trustees not to lose corporate existence.

SEC. 8. Any Baptist church or any Baptist church and society incorporated or organized under any law of this state, may elect to dissolve their existing corporation and take corporate powers under this act: *Provided*, The consent of a majority of the members of said church or church and society, who may be present at such meeting, can be obtained at any regular church or covenant meeting of the church: *Provided also*, That notice shall be given to said church or church and society to meet with the church at its regular church or covenant meeting, for the purpose of dissolving said corporation with a view of organizing under the provisions of this act, said notice to be given on the last two Sundays preceding the day on which the act of dissolution shall be taken. Churches may dissolve and organize under this act. *Provido.* *Provido.*

SEC. 9. If such consent for dissolving such corporation for the purposes as above mentioned shall be so obtained, then a certificate containing an account of such dissolution, shall be executed and acknowledged by the presiding officer and secretary of said meeting, and be recorded in the office of the county clerk of the county where the original certificate of incorporation was recorded, and on compliance with the provisions of this act, all of the property, powers, privileges, duties, trusts, and obligations of every kind possessed by or pertaining to the original corporation thus dissolved, shall pass to and be possessed by the new organization. Certificate of dissolution to be recorded in office of county clerk, etc.

SEC. 10. At any time after such church shall have become duly organized under this act, it shall be lawful for any such church at any regular meeting thereof, of which proper notice shall have been given, as hereinafter provided, by a vote of two-thirds of the members present at such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendments shall become operative, on filing a copy of the same, certified by the moderator or chairman and clerk of such meeting, and duly acknowledged by an officer authorized to take acknowledgment of deeds, with the clerk of the county in which such church is organized. How articles may be amended.

SEC. 11. Whenever it shall be proposed to alter or amend the articles of association of any church organized under this act, such alteration or amendment shall not be adopted until the expiration of at least three weeks from the day of the meeting on which the same shall have been first introduced before the church, and such proposed alteration or amendment shall be reduced to writing when it shall be introduced, and shall not be amended on the same day on which it shall be adopted. Idem.

SEC. 12. In all cases which may arise in any of the courts of this state in connection with any church which may be incorporated How acts construed.

under this act, and in all suits in law or equity to which any such church may be a party, all other acts or parts of acts inconsistent herewith, shall be interpreted and construed in such a manner as to give full force to all the rights and privileges hereby granted or intended to be granted.

Approved May 24, 1879.

[No. 226.]

AN ACT to provide for the safety of persons attending public assemblies.

Public halls, etc.,
to be provided
with means for
safety.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any hall, theater, opera house, church, school house, or building of any kind whatsoever, in any city or incorporated village, to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.

Proprietors of
theaters, halls,
etc., to have cer-
tificate of ex-
amination.

SEC. 2. That in all cities and incorporated villages it shall be unlawful for any person or persons, society, corporation, or individual whatsoever, who may be the owner or owners of or have the control of any hall, theater, opera house, church, school house, or building of whatsoever kind, to use or permit the same to be used for schools or public assemblages of people, unless said person or persons, society, corporation, or individual shall have, from the authorities hereinafter designated, of the city or incorporated village in which said hall, theater, opera house, church, school house, or building is situated, a certificate in writing certifying that they have examined the said hall, theater, opera house, church, school-house, or building, as the case may be, and that the same is well and sufficiently provided with means of speedy and safe egress for public assemblages in cases of danger or sudden alarm: *Provided*, That the doors in the halls of passage ways of all such buildings, leading from the assembly room to the ground shall be made to open outward, in case the proper examining officers shall so order.

Proviso.

Examination, by
whom made.

SEC. 3. It shall be the duty of the mayor, civil engineer, or where there is no civil engineer, then some other person to be selected by the common council, and chief engineer of the fire department of the city in which any opera house, hall, theater, church, school-house, or building which is, or is to be used for public assemblages, is situated, and in incorporated villages it shall be the duty, in like case, of the president and two members of the board of trustees of such village who shall be designated for that purpose by said village board of trustees, upon the application of the person or persons, society, corporation or individual, owning or having the control of the same, to make a joint examination of said hall, theater, opera house, church, school-house, or building, as contemplated by the second section of this act, any two of whom shall issue, or refuse to issue, as the case may be,

the written certificate therein provided for, which certificate shall continue in force until revoked for good and sufficient cause by the board of examiners or their successors: *Provided*, That if any owner or owners, or person or persons having control of any hall or other building herein above mentioned, shall feel himself or themselves aggrieved by the decision of said authorities, he or they may appeal therefrom to the city council or to the village board of trustees, who shall give such person or persons a full and fair hearing and shall sustain or reserve [reverse] the action of said board of examiners, and from such decision there shall be no appeal: *And provided further*, That all licenses issued in accordance with this act shall continue in force until revoked by said city council or board of trustees.

Proviso—appeal from decision of examiners.

Proviso. Licenses.

SEC. 4. If any person or persons, on or [and] after the first day of January next ensuing, owning or having control, either individually or by virtue of his or their position as an officer or as officers, agent or agents of any society or corporation, shall permit any hall, theater, opera house, church, school-house, or building, over which he or they have control as aforesaid, the same being in any city or incorporated village, to be used for the purposes of schools or public assemblages, without having the certificate as provided for in the second section of this bill, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of the offense charged, shall be fined in any sum not exceeding one hundred dollars for each and every time he or they shall permit such hall, theater, opera house, church, school-house or building, to be used for the purpose of schools or public assemblages.

Penalty for using buildings without certificate of examination.

Approved May 24, 1879.

[No. 227.]

AN ACT to provide for the collection of the social statistics of Michigan, and to provide for the publication of said statistics together with the statistics to be taken by the authority of the United States, in the year one thousand eight hundred and eighty.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the county clerk of each county to collect and compile, on blanks to be furnished by the superintendent of the census, the statistics embraced in and comprising the whole of schedule five, of an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of members of the house of representatives, and provide for their future apportionment among the several states," passed by the congress of the United States, and approved May twenty-third, eighteen hundred and fifty, and forward the same to the secretary of state, at Lansing, on or before the thirtieth day of October, eighteen hundred and eighty.

County clerk to collect and compile statistics.

Duty of treasurer, register of deeds, superintendent of schools, etc., to furnish clerk information.

SEC. 2. It shall be the duty of the treasurer, register of deeds, superintendent of schools, superintendents of the poor, and prosecuting attorney of each county, and of the supervisor and clerk of each township, to furnish to the county clerk on his application therefor, the information required by schedule five of the act named in the preceding section, such information or facts as the records of their respective offices will show, or such as they may be able to obtain.

Appropriation for expenses of collecting social statistics.

SEC. 3. An amount not exceeding the sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated or expended, to defray the expenses of collecting such social statistics named in section one of this act, to

How expended.

be expended as follows: In counties where the population shall not exceed ten thousand in number, the county clerk shall receive the sum of thirty dollars; in counties where the population shall exceed ten thousand but not exceed twenty thousand in number, the county clerk shall receive the sum of forty dollars; in counties where the population shall exceed twenty thousand but not exceed thirty thousand in number, the county clerk shall receive the sum of fifty dollars; in counties where the population shall exceed thirty thousand but not exceed forty thousand in number, the county clerk shall receive the sum of sixty dollars; and in counties where the population shall exceed forty thousand in number, the county clerk shall receive the sum of seventy dollars, except in the county of Wayne, the clerk of which county shall receive the sum of one hundred dollars, such compensation to be paid by the state treasurer on the warrant of the auditor general, said warrant to be drawn on the certificate of the secretary of state, whose duty it shall be to execute such certificate on the receipt of the returns required by section one of this act, accompanied by the affidavit of the county clerk, that such return is, to the best of his knowledge and belief, a full and accurate collection of the required social statistics of the county of which he is the clerk.

Compensation of clerk of Wayne county.

How warrant drawn.

Secretary of state may expend part of appropriation.

SEC. 4. It shall be the duty of the secretary of state to expend such sum of money, not to exceed, however, the sum of one thousand dollars, out of the amount appropriated in the preceding section, as may in his judgment be deemed necessary to carry out the provisions and intent of this act.

Secretary of state to compile statistics.

SEC. 5. That the secretary of state is hereby directed to cause to be condensed, compiled, and arranged in proper form for publication, the foregoing statistics, together with the statistics of this state that will be taken by authority of the United States in the year one thousand eight hundred and eighty.

Publication and distribution of statistics.

SEC. 6. When the statistics mentioned in the preceding section shall be so condensed, compiled, and arranged, the secretary of state shall cause six thousand copies to be printed and bound, and, when published, he shall supply one copy to each of the several persons, officers, libraries, corporations, and societies entitled to receive the joint documents of this state, as provided by section seven of act number one hundred and seventy of the laws of eighteen hundred and seventy-seven; he shall also transmit one

copy to each supervisor in this state, and shall cause one hundred and fifty copies to be deposited in the state library for use in said library and for exchanges, five hundred copies to be placed at the disposal of the state board of health, and the remaining copies shall be deposited in the office of the secretary of state to supply future demands.

Approved May 24, 1879.

[No. 228.]

AN ACT to protect the people of the state of Michigan from imposition and fraud.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons who shall, by representing that he is the agent of any person, company, firm, or corporation, or by any other means, fraudulently obtain the signature of any person or persons, with the intent to cheat and defraud such person or persons, to any promissory note, bill of exchange, due bill, order, contract, or any paper writing whatever, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned in the state prison not exceeding ten years, or in the county jail not more than one year, or by a fine not exceeding one thousand dollars, or both, in the discretion of the court. Penalty for fraudulently obtaining signature to note, etc.

SEC. 2. Any person who shall receive into his possession for collection or sale, or who shall purchase any promissory note, bill of exchange, due bill, order, contract, or paper writing whatever, obtained in the manner mentioned in section one of this act, knowing the same to have been obtained with the intent to cheat and defraud, and any person who shall take any steps to collect any promissory note, bill of exchange, due bill, order, contract, paper, or writing whatever, knowing the signature to have been obtained by fraud, with intent to cheat and defraud, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to be punished in manner and form provided in section one of this act. Penalty for purchasing note, etc.

Approved May 27, 1879.

[No. 229.]

AN ACT to amend an act entitled "An act to require supervisors, directors, and overseers to make certain annual reports to the county superintendents of the poor," approved April twenty-third, eighteen hundred and seventy-five, and to add one new section thereto.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to require supervisors, directors, and overseers to make certain annual reports to the county superintendents of the poor," approved April twenty-third, eighteen hundred and Act amended.

seventy-five, be amended, and to add one new section thereto, to stand as section three, so as to read as follows :

Overseers of poor to make report to county superintendents.

What report to contain.

Form of report.

Secretary of state to furnish blanks.

Compensation for making report.

Report to be consolidated by superintendents.

SECTION 1. It shall be the duty of any director or overseer of the poor authorized by law to furnish relief to poor persons, and of the supervisor of each township and ward in this state, on the last day of June, the last day of September, the last day of December, and on the last day before his term of office shall expire, to make and transmit to the county superintendents of the poor of the county in which such township or ward is situated, a full statement or report of the number of poor persons who have been relieved or maintained by him since the date of his last report, with the names of the heads of families, and the number of persons in each family, also the names of persons not members of any family, who have received assistance, and the causes of their indigency, if known to him, the amount paid for transportation, for medical attendance, and for funeral expenses, also his charges for services, and any and all other facts and expenditures necessary to a complete showing of his transactions, and of the condition of such persons. Said report shall be made in such form as the secretary of state may prescribe; and the secretary of state shall prepare and annually transmit blanks for that purpose to the county superintendents of the poor, who shall distribute them to the several directors and overseers of the poor, and supervisors in their respective counties; and such report shall be made by the directors, overseers, and supervisors in counties where the poor are made a township charge, as well as in counties where they are made a county charge.

SEC. 2. Every supervisor, director, or overseer of the poor who shall make the reports herein provided for shall receive as full compensation therefor, the sum of five cents each for the first twenty-five families, and persons not members of any family, so relieved, and the sum of three cents for each of such families and persons above that number, to be paid by the county treasurer on the certificate of the superintendents of the poor, that said reports have been made in all respects as required by law; but no supervisor, director, or overseer shall receive less than twenty-five cents for each report so made out and forwarded to the superintendents of the poor.

SEC. 3. That it shall be the duty of the county superintendents of the poor, annually, between the first and twentieth days of October, to consolidate on blanks to be furnished by the secretary of state for that purpose, all said reports received by them during the year ending the thirtieth day of September next preceding, and the said superintendents shall incorporate into their annual reports to the secretary of state, the several facts, statements, and expenditures, reported to them by the supervisors, directors, and overseers, so that their reports shall make a complete showing of the number of poor persons who have been relieved and maintained in the county during the year, with the names of heads of families, and the causes of their indigency, the amount paid for transportation, for medical attendance, and for funeral expenses, the charges

and fees of the several officers authorized by law to furnish relief to poor persons, and all other expenditures incurred in the relief and maintenance of such indigent persons.

Approved May 27, 1879.

[No. 230.]

AN ACT to repeal section two of act number fifteen of the session laws of eighteen hundred and seventy-five, entitled "An act for the protection of inn and hotel keepers," approved February twenty-fifth, eighteen hundred and seventy-five, as amended by act number fifteen of the session laws of eighteen hundred and seventy-seven, entitled "An act to amend section two of act number fifteen of the session laws of eighteen hundred and seventy-five, approved February twenty-fifth, eighteen hundred and seventy-five, entitled an act for the protection of inn and hotel keepers, so that the provisions of the act shall apply to private houses and boarding-house keepers," approved February twentieth, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number fifteen of the session laws of eighteen hundred and seventy-five, entitled "An act for the protection of inn and hotel keepers," approved February twenty-fifth, eighteen hundred and seventy-five, as amended by act number fifteen of the session laws of eighteen hundred and seventy-seven, entitled "An act to amend section two of act number fifteen of the session laws of eighteen hundred and seventy-five, approved February twenty-fifth, eighteen hundred and seventy-five, entitled 'An act for the protection of inn and hotel keepers so that the provisions of the act shall apply to private houses and boarding house-keepers,'" be and the same is hereby repealed.

Approved May 27, 1879.

[No. 231.]

AN ACT to enlarge and define the duties of the state board of education.

SECTION 1. *The People of the State of Michigan enact*, That the state board of education shall hold stated meetings at which they shall examine and may grant state certificates of qualification to such teachers as may upon a thorough and critical examination be found to possess eminent scholarship and professional ability, and shall furnish satisfactory evidence of good moral character. Said certificate shall be signed by the president and the secretary of the board and impressed with the seal thereof; and shall entitle the holder to teach in any of the schools of the state without further examination, and shall be valid for the term of ten years unless revoked by said board. Each applicant for examination

Board of education may examine and grant certificates to teachers.

shall, on making application, pay to the secretary of the board five dollars as an examination fee.

Prepare questions, etc.

SEC. 2. Said board shall prepare questions suitable for the examination of teachers for the various grades of certificates provided by law to be given to teachers of the state, and the superintendent of public instruction shall furnish these questions to officers authorized by law to examine teachers.

Pay for services.

SEC. 3. The members of said board shall be entitled to receive for their services while actually engaged in the duties of their office, as provided in sections one and two of this act, three dollars per day and necessary traveling expenses while so engaged, which amount shall be certified by the board to the board of state auditors, who shall draw a warrant therefor upon the state treasurer, who shall pay the same out of the general fund, which sum shall be reimbursed to the general fund by the secretary of the board paying into it that amount out of the money received by him as fees for certificates, and if there is any residue of money received as such fees, it shall be expended by the superintendent of public instruction, in the purchase of suitable books for an office library.

Approved May 27, 1879.

[No. 232.]

AN ACT to amend chapter thirty-five of the revised statutes of eighteen hundred and forty-six, being chapter forty-six of the compiled laws of eighteen hundred and seventy-one, by adding two new sections thereto, to stand as sections fifty and fifty-one, relating to offensive trades.

Sections added.

SECTION 1. *The People of the State of Michigan enact*, That chapter thirty-five of the revised statutes of eighteen hundred and forty-six, being chapter forty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended by adding two new sections thereto, to stand as sections fifty and fifty-one, which said new sections shall read as follows:

Slaughter-houses, etc., not to be kept within twenty rods of highway.

SEC. 50. No person shall keep or maintain any slaughter-house, slaughter-yard or slaughter-pen, or any other place for slaughtering, [butchering] or killing any animals, or rendering dead animals as a business, within twenty rods of any public highway within this State, or in any other place, except as provided in section forty-six of this chapter.

Penalty.

SEC. 51. Any person offending against any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than one hundred nor less than twenty dollars, and in default of the payment of such fine shall be imprisoned in the county jail of the proper county not more than ninety nor less than twenty days, in the discretion of the court: *Provided*, That the provisions of this act shall not apply within the limits of incorporated villages and cities.

Approved May 27, 1879.

[No. 233.]

AN ACT to prevent the killing of elk in the state of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Killing of elk prohibited for ten years. Penalty.
 no person or persons shall kill any of the elk in this state for a period of ten years from the passage of this act; and every person or persons who shall offend against the provisions of this act shall be subject to a fine of fifty dollars with costs of suit, and in default of the payment of such fine shall be imprisoned in the county jail for a term of not less than ten days or more than thirty days.

Approved May 27, 1879.

[No. 234.]

AN ACT to require orders drawn by the commissioner of highways in the Upper Peninsula to be audited by the township board.

SECTION 1. *The People of the State of Michigan enact, That* When orders to be paid.
 no order drawn by the commissioner of highways in the Upper Peninsula shall be paid by the township treasurer until the same shall be audited and allowed by the township board.

SEC. 2. The clerk of said board shall countersign all orders so Clerk to countersign orders.
 audited and allowed.

Approved May 27, 1879.

[No. 235.]

AN ACT to amend section seven of chapter one hundred and seventy of the revised statutes of eighteen hundred and forty-six, being section eight thousand and five of the compiled laws of eighteen hundred and seventy-one, concerning fugitives from justice.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section seven of chapter one hundred and seventy, of the revised statutes of eighteen hundred and forty-six, being section eight thousand and five of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(8005.) SEC. 7. Whenever a demand shall be made upon the Duty of governor when demand made for fugitive.
 governor of this state by the governor of any other state or territory in any case authorized by the constitution and laws of the United States for the delivery over of any person charged in such state or territory with treason, felony or any other crime and there shall be produced with such demand a copy of the indictment found or information filed, or affidavit, or complaint made before a magistrate of the state or territory demanding, charging the person so demanded with having committed treason, felony, or other crime within such state or territory, duly certified as authentic by the

Sheriff to arrest
and deliver to
agent.

Opportunity for
judicial exami-
nation before
delivery to
agent.

Duty of attorney
general.

governor or chief magistrate of the state or territory from whence the person so charged fled, with due proof of the fleeing, it shall be the duty of the governor of this state to issue an order or warrant to the sheriff of the county in which such person so charged may be found, commanding him to forthwith arrest such alleged fugitive and to deliver him to the duly authorized agent appointed by the executive authority making such demand to receive him and remove him to the proper place for prosecution. But the said sheriff while the alleged fugitive is in his custody, and before delivering him up to the agent of the demanding state, shall afford him every proper facility to enable him to have a judicial examination if he desires it, by *habeas corpus* or otherwise, to ascertain whether the demand and arrest have been made conformably to the requirements of law, so that such person if he ought not to be delivered up may be duly discharged, and the attorney general when required by the governor shall forthwith investigate the grounds of demand, and report to the governor all material facts which may come to his knowledge, as to the situation and circumstances of the person so demanded, and especially whether he is held in custody, or is under recognizance to answer for any offense against the laws of this state, or of the United States, or by virtue of any civil process, and also whether such demand was made conformably to law, so that such person ought to be delivered up.

Approved May 27, 1879.

[No. 236.]

AN ACT to provide for charging out and for transferring unexpended balances of appropriations.

Balance of
appropriations
unexpended to
be charged to
account of appro-
priation.

Proviso.

Balances remain-
ing unchanged
for two years
transferred to
general account
of institution.

Act to apply to
all appropri-
ations.

SECTION 1. *The People of the State of Michigan enact*, That if the amount appropriated by the legislature for any purpose be not needed for the purpose specified, within the time fixed in the act making such appropriation, the balance of any such appropriation remaining in the state treasury shall be charged to the account that was credited with the appropriation: *Provided*, That in cases where appropriations are made for building purposes, the balances shall not be charged out until the completion of the building contemplated in the act of appropriation.

SEC. 2. That all balances which have remained unchanged on the accounts rendered to the auditor general by any of the several state institutions for two years next preceding the close of the current fiscal year shall be annually transferred to the general, or current expense, account of said institution.

SEC. 3. The provisions of this act shall apply to all appropriations heretofore made, any part of which shall be unexpended at the passage of this act and to all appropriations hereafter made, and the auditor general shall, at the end of each fiscal year, close the account with each and every appropriation made to cover ex-

penditures from the state treasury prior to the first day of January next preceding the close of the current fiscal year.

SEC. 4. All acts or parts of acts contravening the provisions of Acts repealed. this act are hereby repealed.

Approved May 27, 1879.

[No. 237.]

AN ACT to provide for the execution, acknowledgment, and recording of contracts for the sale of land.

SECTION 1. *The People of the State of Michigan enact,* That contracts for the sale of land or any interest therein, shall be executed in the presence of two witnesses, who shall subscribe their names thereto as such, and the vendor named in such contract, and executing the same may acknowledge the execution thereof before any judge, or commissioner of a court of record, or before any notary public or justice of the peace within this state; and the officer taking such acknowledgment shall endorse thereon a certificate of the acknowledgment thereof, and the date of making the same under his hand. How contracts for sale of land to be executed.

SEC. 2. If any such contract be executed in any other state, district, or territory, the same shall be executed and acknowledged in the same manner as provided in section nine (9) of chapter one hundred and fifty (150) of the compiled laws of eighteen hundred and seventy-one, for the execution of deeds in any other state, district, or territory. In other states.

SEC. 3. If any such contract be executed in any foreign country it may be executed and acknowledged according to the provisions contained in section eleven (11) of chapter one hundred and fifty (150) compiled laws of eighteen hundred and seventy-one, providing for the execution of deeds in any foreign country. In foreign countries.

SEC. 4. Any contract executed and acknowledged according to the foregoing provisions, shall, with the certificates [certificate] thereto attached, be entitled to be recorded in the office of the register of deeds of the county where the lands lie, and the recording of the same shall have the same force and effect as to subsequent encumbrancers and purchasers, as the recording of deeds and mortgages, as now provided by law. When entitled to record.

SEC. 5. When the vendor named in said contract has ceased in law to be bound by the provisions of the contract, and is entitled to a release therefrom, the vendee named in said contract, his heirs or assigns, shall, when requested by said vendor, execute a discharge of said contract in the same manner as now provided by law for the discharge [discharging] of mortgages, and for a refusal to so discharge the same he shall be subject to the same penalties as are now provided by law for a refusal to discharge a mortgage after the same has been fully paid, and the party entitled to have said contract discharged from the records may proceed to enforce the discharge of the same as provided in section forty-five of chapter one When vendee to discharge. Penalty for refusing to discharge.

Proviso.

hundred and fifty of the compiled laws of eighteen hundred and seventy-one for enforcing the discharge of mortgages, and the petition or bill asking for said discharge shall contain all the material averments regarding the subject matter thereof required by said section in regard to mortgages, so far as the same are applicable to contracts for the sale of lands: *Provided, however,* That no contract for the sale of lands shall be deemed invalid for want of acknowledgment or recording.

Approved May 28, 1879.

[No. 238.]

AN ACT to protect logs, lumber and timber while floating upon the waters in this state, or lying upon the banks or shores thereof, and to repeal consecutive sections number two thousand and nine, two thousand and ten, two thousand and eleven, seven thousand six hundred and twenty-seven and seven thousand six hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, relating to the same subject.

Unlawful to move logs, timber, etc., in any water except by owner.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any person other than the owner thereof, or some person by him employed, whether such owner be known or unknown, to take possession of, drive or run, or in any manner dispose of any log, spar, boomstick, spile, shinglebolt, timber, railroad tie, fence-post, or lumber floating upon, lying or being in any river, stream, lake, pond, bay, inlet or bayou, or any waters in this state, or in any boom therein, or on or near the shores or banks thereof.

To cut off or deface marks.

SEC. 2. It shall be unlawful for any person other than the owner thereof, or by his consent, to cut off, cut out, alter, deface or destroy any mark made upon any log, spar, boomstick, spile, shinglebolt, timber, railroad tie, post or lumber that shall be floating upon, lying or being in any river, stream, lake, pond, bay, inlet or bayou, or any waters in this state, or in any boom therein, or on or near the shores or banks thereof.

To put marks on logs, etc.

SEC. 3. It shall be unlawful for any person other than the owner thereof, or by his consent, to make or place, or cause to be made or placed, any mark upon any log, spar, spile, boomstick, railroad tie, post, shinglebolt, timber or lumber floating upon or lying in any river, stream, lake, pond, bay, inlet or bayou, or any other waters within this state, or in any boom therein, or on or near the shores or banks thereof.

Penalty.

SEC. 4. Any person who shall knowingly do any act or thing declared unlawful in any of the sections of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in the discretion of the court, and upon a second conviction, for a like misdemeanor, he shall be punished by

a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a term not exceeding one year, and the court may enforce the payment of any fine imposed under the provisions of this act, by imprisonment in the county jail for a term not exceeding one year.

SEC. 5. If any person having the possession or control of any boom, in any of the waters of this state shall, knowingly, run, turn, admit or receive into such boom, or cause to be run, turned, admitted or received into such boom, any log, spar, boomstick, shinglebolt, railroad tie or fence post not his own, without the consent of the owner thereof; or if any person being in the possession or having the control of any saw-mill, shingle-mill, or any structure made for the purpose of manufacturing lumber, shingles or timber, shall knowingly manufacture into lumber, shingles, timber, pickets or posts, any log, spar or shinglebolt not his own, without the consent of the owner thereof, shall be deemed guilty of a misdemeanor, and punished as provided in section four of this act.

Penalty for receiving into booms or manufacturing logs, etc., without consent of owner.

SEC. 6. Any person who, by himself or by another in his employ, shall, without the consent of the owner thereof, take, boom or manufacture any log, spar, spile, boomstick, railroad tie, post, shinglebolt, timber or lumber not his own, floating upon, lying or being in any river, stream, lake, pond, bay, inlet, bayou or any other water in this state, or in any boom therein, or on or near the bank or shores thereof, or who shall cut off, cut out, deface or destroy any mark upon any log, spar, spile, boomstick, shinglebolt, timber, railroad tie, post or lumber lying or being as aforesaid, or who shall mark or place any mark upon any log, spar, spile, boomstick, shinglebolt, timber, railroad tie, post or lumber lying or being as aforesaid, or who shall mark, or place any mark upon any log, spar, spile, boomstick, shinglebolt, railroad tie, post, timber or lumber lying or being as aforesaid, shall be liable to pay the owner thereof, by way of damages, three times the value of said log, spar, spile, boomstick, shinglebolt, timber, railroad tie, post or lumber, to be recovered in an action of trespass on the case, by the owner thereof or his assignee.

Penalty for taking or cutting marks from logs, etc.

SEC. 7. In any prosecution under the provisions of this act, it shall be sufficient to allege, in any complaint or information, the ownership of property, in the actual owner thereof, or in any person, copartnership or corporation lawfully in possession thereof, and, on the trial, proof of such ownership or possession shall be sufficient evidence of title, and, on any such trial, or in any suit brought for damages for any of the acts herein declared to be unlawful, proof that any such log, spar, spile, boomstick, railroad tie, post, timber or lumber taken or disposed of, or the mark upon which has been cut off, cut out, defaced or destroyed, or which shall have been boomed or manufactured, as aforesaid, shall be found in the possession of the party charged, or against whom such suit is brought, shall be *prima facie* evidence of guilt.

What sufficient to allege in complaint.

SEC. 8. It shall be lawful for any person owning any logs, spars, spiles, boomstick, shinglebolt, timber, railroad ties, posts or lumber, floating, lying or being in any of the streams or waters in this

Lawful for owner to search and examine logs, etc.

Penalty for obstructing search.	state, his servants and employés, and for any corporation entitled to the possession thereof and its employés, to search and examine any and all rafts of logs, and all spiles, railroad ties, posts, logs, whether in rafts or booms, or wherever situate in said waters or on the banks, or shores thereof, and all mills engaged in manufacturing logs into lumber, timber or shingles, situated upon or near such waters, to ascertain whether any log, spar, boomstick, shinglebolt, timber or lumber belonging to such person, or to which such corporation is entitled may be there found; and any person who shall willfully obstruct, or hinder any person engaged in such search or examination, shall be punished by a fine not more than fifty dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment in the discretion of the court.
What act to apply to.	SEC. 9. The provisions of this act shall not apply to the taking and running of logs, authorized by the statutes of this state, nor to unmarked cedar to be used for fence posts, nor to the taking of the possession of the same by virtue of any legal process issued from any of the courts of this state.
Logs on island or banks may be removed within two years by paying damage.	SEC. 10. Whenever any logs, timber, boards or planks, in rafts or otherwise, shall be drifted or float upon any island in any of the waters or streams in this state, or upon the banks or shores of such waters, or lands adjacent thereto, the owner of such logs, timber or plank, or any person or corporation entitled to the possession thereof may at any time within two years remove the same upon paying or tendering to the owner or occupant of such bank, shore, or lands, such reasonable damages as may have been caused by such occupancy and removal, or such owner or person or corporation entitled to such logs, timber or plank, may, if the amount of such damage cannot be agreed upon, execute and deliver to such owner or occupant of such shores, banks or lands, a bond in such penal sum, with such securities as shall be approved by any circuit judge, or by any circuit court commissioner of the county in which such logs, timber, boards or planks are situated, conditioned for the payment of all damages, which may have been caused by the drifting or floating of such logs, timber, boards or planks upon such shores, banks or lands, remaining thereon, and the removal thereof therefrom; and upon the execution and delivery of such bond, such owner, person or corporation may enter upon said shores, banks or lands, and remove such logs, timber, boards and planks therefrom, and no action shall be brought or maintained for any such damages, except upon the bond so executed and delivered, unless the circuit court of the county shall, upon cause shown and due notice, otherwise order. If such logs, timber, boards or plank shall not be removed within the said two years, under the provisions of this section, the owner thereof shall be deemed to have forfeited all right thereto, and such owner or occupant of said lands may make out a sworn statement containing a description of the lands on which the said logs are lying, the number of logs and the marks thereon, if any, and the length of time the same have remained on said land, and upon delivering such statement to any
Bond for removal.	
Owner forfeits rights if not removed in two years.	

sheriff, deputy sheriff or constable, such officer shall proceed and make sale of such logs at public auction at some convenient and public place in the vicinity thereof. Immediately upon making such sale, such officer shall pay over to the owner or occupant of such lands the proceeds of such sale less his fees for making the same, which fees shall be the same as upon levy and sale on execution: *Provided*, That no sale shall be made without giving ten days' notice to the owner of such logs, if known, and if not known, then such officer shall give like notice as he would be required to give on sale of personal property on execution; and he shall thereupon make his certificate, stating the time and place of sale, the number of logs sold, and the marks thereon, if any, the name of the purchaser or purchasers, the amount paid, and the disposition of the same. He shall at once annex such sworn statement to said certificate and file the same in the office of the county clerk of the county in which the sale was made: *Provided further*, That when the property mentioned in section one of this act shall be or lie upon any improved farming lands of this state adjoining any of the waters mentioned in said section one, if the owner or occupant of such lands shall make the affidavit hereinbefore required, and shall cause a copy of said affidavit to be personally served on the owner, or agent of the owner of the property mentioned in said affidavit, if said owner or agent be known to the owner or occupant of said lands; but if not known to said owner or occupant, then he shall cause a copy of said affidavit to be published in one or more newspapers in said county in which said lands are situated, for three successive weeks, if there be one, but if not, in one of an adjoining county, and a copy of the same shall be sent to the office of the booming or log running company having such property in charge, or doing business on such streams [stream], if known by said owner or occupant, said notice to be sent by mail or otherwise; which said notice shall require said owner or agent to remove said property mentioned in said affidavit, within thirty days after receipt of said notice. If said owner shall neglect or refuse to remove the said property and pay all reasonable damages and charges thereon, or give bond as hereinbefore provided within said thirty days, then said owner or occupant may remove the same to the adjoining stream or to the banks thereof, and if the same is not claimed by the owner thereof, within six months thereafter, and all reasonable charges in damages be paid, the owner or occupant of said land is empowered to sell the same at public auction to the highest bidder by giving the same notice as required by law in sale [sales] of personal property by sheriffs and constables; said sale to [be] conducted as hereinbefore provided for the sale of logs having lain for two years upon such land, and the proceeds applied in the same way provided for the sale of such logs: *And provided further*, That all reasonable damages and expenses incurred and suffered by the owner or occupant of such lands shall be a lien upon such logs, timber, boards or plank until paid, or bond given as herein provided.

Sale.

Officer to pay
over money.Proviso.
Notice of sale.Statement to be
filed with county
clerk.
Proviso.Damage to
owner of land a
lien on logs, etc.

SEC. 11. That compiler's sections two thousand and nine, two

Sections
repealed.

thousand and ten, and two thousand and eleven, of compiled laws of eighteen hundred and seventy-one, being chapter forty-six of the revised statutes of eighteen hundred and forty-six, and all acts amendatory thereof; also an act entitled "An act to provide a punishment for the unlawful taking of logs, masts and spars," approved March sixth, eighteen hundred and seventy-one, being compiler's sections seven thousand six hundred and twenty-seven, seven thousand six hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby repealed.

Approved May 28, 1879.

[No. 239.]

AN ACT to authorize the formation of lumberman's [lumbermen's] exchanges.

Number of persons
required to
incorporate.

Election of
officers.

Powers.

Proviso.

Board of
directors.

Officers.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than twenty-five, residing in any town, city or county, provided that the residents of any two or more towns, cities or counties, may associate themselves together as a lumber exchange; and assemble at any time and place upon which a majority of the members so associating themselves together may agree, and elect a president, and one or more vice presidents, and such other officers as they determine upon, adopt a name, constitution and by-laws, such as may be determined upon, and they, and their associates, shall thereupon become a body corporate under the name and style of such name by them so adopted, and by that name may sue and be sued, implead and be impleaded, receive, acquire and hold property and effects, real and personal, by gift, devise or purchase, and dispose of the same by sale and conveyance, or by lease or otherwise; may have a common seal, and may alter the same at pleasure; and shall possess and enjoy all the powers, privileges and immunities incident to corporations for the purposes herein mentioned and contemplated: *Provided*, That no corporation hereby created shall, at any one time, hold real estate the value of which shall exceed fifty thousand dollars.

SEC. 2. The affairs of said corporation shall be managed and conducted by a board of not less than five nor more than thirteen directors, who shall be elected annually, and continue in office until others are chosen in their place; a majority of whom shall constitute a quorum for the transaction of business. The officers of said corporation shall consist of a president, vice president, secretary and treasurer. The president and vice president shall be elected annually by, and selected from, said board of directors, and the said board of directors may appoint the secretary and treasurer, and require of the latter such bond and sureties as may be prescribed by the by-laws of said corporation; and the said corporation may appoint such other officers, agents and servants as the directors may deem necessary for carrying into effect and

accomplishing the objects and purposes of this act, not inconsistent with the laws of this state.

SEC. 3. The said corporation is hereby authorized to establish By-laws, etc. such rules, regulations and by-laws for the management and conduct of its business and offices, and of its officers, agents, servants, and members, as they may think proper, and for the time and manner of holding elections, filling vacancies, and appointment of agents, servants, and employés: *Provided always*, That Provided. they be in conformity to the laws of this state.

SEC. 4. Said corporation shall have the right to prescribe the rules, regulations, terms, and conditions under and upon which Rules, etc., as to membership. members may be received into and expelled from said corporation, and may revise and alter the same from time to time as they may think proper.

SEC. 5. Said corporation shall have power to appoint inspectors, Inspectors of lumber. as many as they shall see fit, to examine, measure, and inspect lumber, timber, shingles, logs, and every other article of traffic commonly dealt in by the members of said corporation, or any of them, or by persons engaged in what is commonly understood to be the lumber business, and to prescribe the rules and fix the grades by which such inspectors shall be governed in the discharge of their duties; and the certificates [certificate] of such inspector as to the quality, quantity, or character of such article thus inspected, and their mark thereon, shall be evidence between buyer and seller of the grade, quantity, quality, or character of the same, shall be binding upon the members of said corporation, or others interested, who shall obtain, require, or assent to the employment of said inspector.

SEC. 6. Said corporation may impose fines Fines. upon any of the members thereof, and collect the same, for breach of its rules, regulations, or by-laws; but no fine shall exceed twenty-five dollars, and such fines, when incurred, may be collected by action of debt, before any justice of the peace in the city or township where said corporation may be located, in the name of the corporation.

SEC. 7. Said corporation is hereby authorized to constitute and Committees of reference, etc. appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in the rules, regulations, or by-laws for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of said corporation, or by other persons not members thereof. The acting chairman of either of said committees, when sitting as arbitrators may administer oaths to the parties and witnesses, and issue subpoenas and attachments, compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.

SEC. 8. When any submission shall have been made in writing Awards. and a final award shall have been rendered (and no appeal taken within the time fixed by the rules and by-laws of said corporation relating thereto), then, on filing such award and submission with the clerk of the circuit court, an execution may issue upon such award, as if it were a judgment rendered in the circuit court, and

such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.

Approved May 28, 1879.

[No. 240.]

AN ACT making appropriations for the expenses of the state officers and state government, and to provide a tax to defray the same for the years eighteen hundred and seventy-nine and eighteen hundred and eighty.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and personal estate of the state in the year eighteen hundred and seventy-nine the sum of six hundred and forty-three thousand dollars, and in the year eighteen hundred and eighty the sum of five hundred and eighteen thousand dollars, and the same is hereby appropriated for the payment of the salaries of the state officers and other expenses of the state government and the interest on the state debt not otherwise provided for.

Apportionment of tax.

SEC. 2. The auditor general shall apportion each year the amounts herein directed to be raised among the several counties of [in] this state, as provided by law for the apportionment of state taxes.

Approved May 29, 1879.

[No. 241.]

AN ACT concerning the appointment of guardians of habitual drunkards, or of persons so addicted to the excessive use of intoxicating liquors as to need medical or sanitary treatment or care.

Guardian of drunkard, etc.

SECTION 1. *The People of the State of Michigan enact*, That any person being a resident of this state, who shall be an habitual drunkard, or so addicted to the excessive use of intoxicating liquors, as to need medical or sanitary treatment and care, may have a guardian of his or her person, appointed by the judge of probate of the county where such person shall then reside.

Petition for appointment.

Judge to fix time of hearing.

SEC. 2. Such guardian shall only be appointed upon the petition of the husband or of the wife or of some relative by blood of the person for whom a guardian is asked. Upon the filing of such petition the judge of probate shall fix a time for the hearing thereof, and shall cause notice thereof to be given to the respondent, at least ten days before the time of such hearing.

Proceedings before judge of probate.

SEC. 3. Upon such hearing the judge of probate shall have authority to take the testimony of witnesses concerning the matter of such petition, and may also examine the respondent, and shall de-

termine whether such guardian should be appointed; and if he shall determine that the respondent is either an habitual drunkard, or is so addicted to the excessive use of intoxicating liquors as to require medical or sanitary treatment or care, he shall appoint some suitable person guardian of the person of the respondent, who shall continue such guardian till the further order of the judge of probate of the county in which such appointment is made.

SEC. 4. Every guardian so appointed shall have the care and custody of the person of his ward, and upon the order of the judge of probate may cause him or her to be taken to and restrained in any suitable asylum or hospital for medical or sanitary treatment or care. Guardian to have care of ward.

SEC. 5. Every such guardian shall at least once in each year, and as often as required by the judge of probate, render report to the judge of probate, verified by his oath, showing the condition of his ward, what medical or sanitary treatment or care he or she has been subjected to, and what reason, if any, there is for the continuance of such guardianship. To report condition to judge of probate.

Approved May 29, 1879.

[No. 242.]

AN ACT to amend section eighteen of chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand five hundred and sixty-nine, relative to offenses against property.

SECTION 1. *The People of the State of Michigan enact*, That section eighteen of chapter two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven thousand five hundred and sixty-nine, relative to offenses against property, be and the same is hereby amended so as to read as follows, to wit: Section amended.

SEC. 18. Every person who shall commit the offense of larceny, by stealing of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due-bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, release, or defeasance, or any writ, process or public record, if the property stolen exceed the value of twenty-five dollars, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars; and in case of failure to pay such fine, shall be imprisoned not more than five years as aforesaid, or until such fine is paid. And if the property stolen shall not exceed the value of twenty-five dollars he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one hundred dollars; and on Simple larceny, punishment for.

failure to pay such fine shall be imprisonment for more than one year, or both, in the discretion of the court.

Approved May 29, 1879.

[No. 243.]

AN ACT to amend sections six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four in chapter eleven of the compiled laws of eighteen hundred and seventy-one, entitled removals from office, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four in chapter eleven of the compiled laws of eighteen hundred and seventy-one, entitled removals from office, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

Governor may remove officers for certain reasons.

(620.) SEC. 6. The governor may remove all county officers chosen by the electors of any county or appointed by him, and shall also remove all justices of the peace and township officers chosen by the electors of any township, or city or village officers chosen by the electors of any city or village, when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer is incompetent to execute properly the duties of his office, or has been guilty of official misconduct, or of willful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer after his election or appointment shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true, with a statement of the prosecuting attorney of the county, that in his opinion the case demands investigation. But no such officer shall be removed for such misconduct or neglect unless charges thereof shall have been exhibited to the governor, as above provided, and a copy of the same served on such officer, and an opportunity given him of being heard in his defense.

When may investigate.

Officer to be given opportunity to be heard.

Who may issue subpoenas for witnesses.

(622.) SEC. 8. The attorney general or prosecuting attorney may issue subpoenas, signed by him with his name of office, to compel the attendance of any witness whom he shall deem material, before said circuit court commissioner or judge of probate, and such commissioner or judge of probate shall have the same power to

by subpoena by attachment, and to commit
refuse to be sworn or to answer, as the circuit
civil cause pending therein, and the fees of
be the same as in civil cases, and shall be a
county.

10. At the time and place therein specified in the
commissioner or judge of probate before whom such
conducted shall proceed to take the testimony of
produced before him by the attorney general or pros-
ecutor and by the officer accused, which witnesses shall
by such commissioner or judge of probate, and every
answer given by them to any question, which either party shall
require to be reduced to writing, shall be written by or under the
direction of such commissioner or judge of probate. Their testi-
mony shall then be read to and subscribed by them, and shall be
certified by the commissioner or judge of probate taking the same,
and when all the evidence shall have been taken, the commissioner
or judge of probate shall briefly review the same, and attach a
summary of such testimony thereto, and give his opinion thereon,
and then deliver the testimony with his summary, review, and
opinion attached thereto, to the prosecuting attorney or attorney
general, who shall transmit the same to the governor.

Testimony to be
transmitted to
governor.

Approved May 29, 1879.

[No. 244.]

AN ACT for the collection of damages sustained by reason of
defective public highways, streets, bridges, crosswalks, and
culverts.

SECTION 1. *The People of the State of Michigan enact*, That
any person or persons sustaining bodily injury upon any of the
public highways or streets in this state, by reason of neglect to
keep such public highways or streets, and all bridges, crosswalks
and culverts on the same in good repair, and in a condition reason-
ably safe and fit for travel, by the township, village, city, or cor-
poration whose corporate authority extends over such public high-
way, street, bridge, crosswalk or culvert, and whose duty it is to
keep the same in good repair, such township, village, city, or cor-
poration shall be liable to, and shall pay to the person or persons
so injured or disabled, just damages, to be recovered in an action
of trespass on the case, before any court of competent jurisdiction.

Liability for
damages to per-
sons by reason of
defective bridges,
culverts, cross-
walks, etc.

SEC. 2. If any horse or other animals [animal], or any cart, car-
riage, vehicle or other property, shall receive any injury or damage
by reason of neglect by any township, village, city, or corporation
to keep in repair any public highway, street, bridge, crosswalk or
culvert, the township, village, city, or corporation whose duty it is
to keep such public highway, street, bridge, crosswalk or culvert in
repair, shall be liable to, and shall pay the owner thereof just dam-
ages, which may recovered in an action of trespass on the case, before

Liability for
damage to ani-
mals, etc.

Provido.

any court of competent jurisdiction: *Provided*, That in all actions brought under this act it must be shown that such township, village, city, or corporation has had reasonable time and opportunity after such highways, street, crosswalk or culvert became unsafe or unfit for travel, to put the same in the proper condition for use, and has not used reasonable diligence therein.

**How money
raised to pay
judgment.**

SEC. 3. When judgment shall have been rendered in favor of any plaintiff, the magistrate who rendered such judgment, or, if judgment shall have been rendered in a court of record, then the clerk of such court shall notify the clerk of the township, village, or city against which judgment is so rendered, of the amount of such judgment and costs, on or before the first Monday in October thereafter; and the said township clerk, village or city clerk shall thereupon include such amount in the statement of moneys to be raised for township, village, or city purposes, to be by him delivered to the supervisor, assessor or other officer whose duty it is to assess taxes in the township, village, city, or ward, as the case may be, under the provisions of existing law, and the same shall be levied, collected, and returned in the same manner as is provided by law in case of judgments rendered against school districts.

**Townships,
cities, villages,
etc., to keep
highways,
bridges, etc., in
repair.**

SEC. 4. It is hereby made the duty of townships, villages, cities, or corporations to keep in good repair, so that they shall be safe and convenient for public travel at all times, all public highways, streets, bridges, crosswalks, and culverts that are within their jurisdiction and under their care and control, and which are open to public travel. And when the means now provided by law are not sufficient to enable any township, village, or city to keep its public highways, streets, bridges, crosswalks, and culverts in good repair, such township, village, or city is hereby authorized to levy such additional sum upon the taxable property of such township, village, or city, not exceeding five mills on the dollar in any one year, as will enable such township, village, or city to keep its public highways, streets, bridges, crosswalks, and culverts in good repair at all times. Highway commissioners, street commissioners, and all other officers having special charge of highways, streets, bridges, crosswalks, or culverts, and the care or repairs thereof, are hereby made and declared to be officers of the township, village, city, or corporation wherein they are elected or appointed, and shall be subject to the general direction of such township, village, city, or corporate authorities, in the discharge of their several duties.

**To what high-
ways act applies.**

SEC. 5. The provisions of this act shall not apply to public highways which have not been in use ten years, but nothing in this section shall be construed as exempting townships, villages, and cities from maintaining their streets, bridges, crosswalks, and culverts, and the approaches to bridges in a safe condition for public travel.

Approved May 29, 1879.

[No. 245.]

AN ACT to amend section seven of chapter one; sections three and six of chapter two; sections seven and eight of chapter three; sections one and five of chapter four; section four of chapter five; sections two, six, seven, nine, ten, and eleven of chapter six, adding thereto two new sections, to stand as sections thirteen and fourteen; sections two, three, and twelve of chapter seven, adding thereto forty-three new sections to stand as sections thirteen to fifty-five, inclusive; sections three and seven of chapter eight, adding thereto three new sections, to stand as sections nineteen, twenty, and twenty-one; sections two and four of chapter nine; section seven of chapter nine, as amended by act number one hundred and seventy-four of the session laws of eighteen hundred and seventy-seven, approved May twenty-second, eighteen hundred and seventy-seven; section thirteen of chapter nine, adding thereto nine new sections, to stand as sections twenty-seven to thirty-five, inclusive, of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and adding thereto three new chapters, to stand as chapters ten, eleven, and twelve.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 section seven of chapter one; sections three and six of chapter two; sections seven and eight of chapter three; sections one and five of chapter four; section four of chapter five; sections two, six, seven, nine, ten, and eleven of chapter six, adding thereto two new sections, to stand as sections thirteen and fourteen; sections two, three, and twelve of chapter seven, adding thereto forty-three new sections, to stand as sections thirteen to fifty-five, inclusive; sections three and seven of chapter eight, adding thereto three new sections, to stand as sections nineteen, twenty, and twenty-one; sections two and four of chapter nine; section seven of chapter nine, as amended by act number one hundred and seventy-four of the session laws of eighteen hundred and seventy-seven, approved May twenty-second, eighteen hundred and seventy-seven; section thirteen of chapter nine, adding thereto nine new sections, to stand as sections twenty seven to thirty-five, inclusive, of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, be amended so as to read as follows:

CHAPTER I.

SEC. 7. The village clerk and two of the trustees, to be appointed each year by the council, shall be the village board of registration. Board of registration.
 On the Saturday previous to the day of holding any annual or special election, and on any other days that the village council may appoint, the board shall be in session from nine o'clock in the

morning until eight o'clock in the afternoon, for the purpose of completing the registration of the electors of the village; and in case of the absence of said clerk, or of either of the trustees so appointed, those who shall be in attendance are authorized to appoint some competent person to fill the vacancy occasioned by such absence. Notice of the time and place of such meeting shall be given with the notice of said election.

CHAPTER II.

Time of appointment of officers.	SEC. 3. Appointments to office by the council, excepting appointments to fill vacancies, shall be made on the second Monday in April in each year unless a different time shall be prescribed in the ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day or on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular meeting of the council.
Term of office.	SEC. 6. All officers appointed by the president or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Monday of April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance creating the office, officers appointed to fill vacancies shall hold their offices until the next annual election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.
When officers to enter upon duties.	

CHAPTER III.

Manner of conducting elections.	SEC. 7. All elections in said village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the state, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this state. The electors shall vote by ballot; the ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and be deposited in a separate box. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.
Power of inspectors.	
Ballot.	
Canvass of votes and deposit of statement.	SEC. 8. Immediately after closing the polls, the inspectors of election shall, without adjourning publicly canvass the votes received by them, and declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were

given, and the number of votes so given for each person and the whole number of votes given upon each question voted upon, and the number of votes for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll-lists, and the register of electors, and the boxes containing said ballots in the office of the village clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such elections.

Manner of canvassing.

CHAPTER IV.

SECTION 1. The president shall be the chief executive officer of the village. He shall preside at the meetings of the council. He shall be deemed a member of the council, and shall have the right to vote on all questions before the council, but he shall not be required to vote except in cases of a tie, in which case he shall give the deciding vote. He shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village, and over the public property belonging thereto, see that the laws relating to the village and the ordinances and regulations of the council are enforced.

Duties of president.

SEC. 5. The village clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the village, not by this act or the ordinances of the village entrusted to some other officer; he shall be clerk of the common council and shall attend its meetings. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, then the council may appoint one of their own number or some other person to perform the duties of the clerk for the time being. The clerk shall record all the proceedings and resolutions of the council, and shall record or cause to be recorded all the ordinances of the village. He shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the power of township clerk so far as the same are required to be performed within the village, except as to the filing of chattel mortgages; and he shall have authority to administer oaths and affirmations.

Duties of clerk.

CHAPTER V.

SEC. 4. The council shall hold regular stated meetings for the transaction of business, at such times as it shall prescribe, not less

Meeting of council.

than one of which shall be held in each month. The president or
Special meeting. any three members of the council may appoint special meetings thereof, notice of which in writing, shall be given to each trustee, or be left at his place of residence at least eighteen hours before the meeting: *Provided*, That if all the members of the council shall be present at any special meeting, no notice of such meeting shall be required.
Proviso.

CHAPTER VI.

Power of council as to penalties for violation of ordinances. SEC. 2. When by the provisions of this act the council of any village has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of the county in which the village is located, or in any other place of confinement provided by the village for such purpose, in the discretion of the court.

When prosecution to be commenced. SEC. 6. Prosecution for violation of the ordinances of villages incorporated under this act, shall be commenced within two years after the commission of the offense, and shall be brought within the village, or in the township in which the village, or some part thereof, is located. Any justice of the peace of the village or of the township in which the village, or some part of it, is situated, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the village, and to inflict punishment for violations thereof as provided in the ordinances.
Justices may try cause.

Recovery of penalties. SEC. 7. Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the village may, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the state of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and
How prosecution may be commenced.

Proceedings.

testimony of witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provision of law regulating the proceedings in criminal causes cognizable by justices of the peace.

SEC. 9. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance, to state or set forth such ordinance or any of the provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage, adoption or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the village, referring thereto by its title and the date of its passage, adoption or approval. In all prosecutions for violations of the ordinances of the village, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and, in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and, in suits commenced by summons, as in civil cases triable before such magistrate. No inhabitant of the village shall be incompetent to serve as a juror in any cause in which the village is a party or interested, on account merely of such interest as he may have, in common with the inhabitants of the village, in the results of the suit.

What necessary
to set forth in
prosecutions for
violation of ordi-
nances.

Jury.

SEC. 10. Any person convicted of a violation of any ordinance of the village in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the village is located, by appeal or writ of certiorari, and the time for such appeal or removal, and the proceedings therefor, and the bond or security to be given thereon and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the village may be a party, brought to recover any penalty for such violation, either party may appeal from the judgment or remove the proceedings by certiorari into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond of security shall be given as in cases of appeal and certiorari in civil cases tried before justices of the peace, except that the village shall not be required to give any bond or security thereon.

Removal to cir-
cuit court.

SEC. 11. The council shall have power to provide and maintain a village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village, and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for non-payment of fines for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Village prison.

Prisoners may be
kept at hard
labor.

- Payment of fines.** SEC. 13. All fines imposed for violations of the ordinances of the village, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the village treasury except such fines as by the constitution, are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same and take the treasurer's receipt therefor, and file the same with the village clerk.
- When fines to be paid to court.**
- When to sheriff.**
- Penalty for neglect to pay over fines.** SEC. 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the common council to cause suit to be commenced immediately therefor, in the name of the village and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

CHAPTER VII.

- Granting of licenses.** SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper.
- Bond of person receiving.** The person receiving the license shall, if required by the council or ordinance of the village, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe.
- Council may revoke.** Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. And the council may provide for punishment, by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. The council of any village may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the village; and for that purpose may provide, by ordinance, for the election or appointment of a director of the poor for the village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.
- Punishment for doing business without license.**
- Support of poor.**
- SEC. 3. The council may provide and maintain one or more

pounds within the village, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the village; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls by the village marshal, in some suitable place, under his immediate care and inspection, and may confer on him the powers and duties of pound-master. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Pounds, pound-masters, etc.

Fees for impounding, etc.

Sale of beasts, geese, etc.

SEC. 12. The council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, lane, alley, sidewalks, sewers [sewer], drain, water-course, bridge, or culvert in the village whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing it shall be necessary to take or use private property the same may be taken in the manner provided by the general law of the state. The expense of such improvement, except the amount paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments, or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund.

Council may establish or abolish streets, sidewalks, water-courses, etc.

Taking private property.

Special assessments.

SEC. 13. When the council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the council may be filed with the village clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of five of the trustees.

Manner of vacating streets, etc.

Objections, where filed.

SEC. 14. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the village clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating

Surveys and boundaries of streets, etc.

any street, alley or public ground shall also be recorded in said book of street records and the record shall be *prima facie* evidence of all matters therein set forth.

Establishing
street grades,
etc.

SEC. 15. The council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the village clerk.

Record, etc., of

Property not
subject to second
assessment for
grading, etc.

SEC. 16. Whenever any street, alley or public highway shall have been graded, or pavements shall have been constructed in conformity to grades established by authority of the village, and the expense thereof shall have been assessed upon lots or lands bounded by, or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to, and paid by the village.

Bridges, etc.

SEC. 17. The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village.

Payment of
expense of
bridges, high-
ways, etc.

SEC. 18. The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working, including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the village; or, the village may be divided into street districts, and a part of the whole expense of improving and working the streets in each district may be paid from a street district fund, to be raised by a tax upon the property in the district. The expense of grading, paving, graveling and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street; or a part of such expense may be so paid, and the remainder may be paid from the general highway fund, or from the streets [street] district fund, as the council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall include curbing and the construction cross-walks in the paved streets.

May be defrayed
by special
assessment.

Special assess-
ment districts.

When payment
for improve-
ments to be made
from general
fund.

SEC. 19. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the village, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement,

such part of the expense of such improvement as in the opinion of the council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

SEC. 20. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstructions [obstruction], incumbrance and encroachments. Incumbrances in streets, alleys, etc., removal of.

SEC. 21. The council may provide for, and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the village, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same. Shade trees.

SEC. 22. The council may regulate the making of all openings in and removals of the soil of public streets, for the laying or repairing [repair] of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of [the] soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe. Opening of sewers, drains, etc.

SEC. 23. The council may regulate the use of public highways, streets, avenues and alleys of the village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, banners, awnings, posts and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent Power of council as to general regulations.

the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls, in the streets or elsewhere in the village, and to impose penalties upon the owners or keepers thereof permitting the same, and to require or authorize the destruction of dogs found at large contrary to the ordinances of the village; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon highway commissioners in townships.

SEWERS, DRAINS AND WATER-COURSES.

Powers of council as to sewers, drains, etc.

SEC. 24. The council of any village may establish, construct and maintain sewers, drains and water-courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the village; and private property, or the use thereof, may be taken therefor in the manner provided by the general laws of this state for taking such property for public use. But in all cases where the council shall deem it practicable, such sewer, drain and water-courses shall be constructed in the public streets and grounds.

May establish board of sewer commissioners.

SEC. 25. If the council shall deem it expedient, in villages having a population of two thousand or more, they may establish a board of sewer commissioners for the village, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may prescribe by ordinance the powers, duties, terms of office and compensation of said commissioners.

Payment for constructing sewers, drains, etc.

SEC. 26. The expense of constructing sewers, drains and water-courses may be paid by general tax upon all the taxable property in the village; or such expenses may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

Council to cause map to be made of lands benefited by drain, etc.

SEC. 27. Before proceeding to the construction of any sewer, drain, or water-course, the expense, or any part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also

Sewer districts.

its depth, grade, and dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the village clerk, and notice shall be given by publication in a newspaper of the village for two weeks or by posting copies of such notice for the same length of time, in three public places in the village, of the intention of [to] construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Map and estimate to be deposited with clerk.

SEC. 28. When the council shall determine to construct any such sewer, drain, or water-course, they shall so declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade, and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by general tax, and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the clerk.

Resolution to construct sewer, etc., what to contain.

SEC. 29. Special assessments for the purposes aforesaid shall be made in the manner provided in chapter eight of this act.

Special assessments.

SEC. 30. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

When council may require private drains to be made.

SEC. 31. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Right to connect with public sewers.

SEC. 32. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

Payment for connection with public sewers.

SEC. 33. Such part of the expense of providing ditches and improving water-courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Special assessment for improving water courses, ditches, etc.

SEC. 34. The expenses of repairing public sewers, ditches, and water-courses may be paid by general tax. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expenses of repairing sewers, ditches, etc., how paid.

SEC. 35. The council may enact such ordinances as may be

Ordinances for
protection of
sewers, etc.

necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the village.

HARBORS, WHARVES, AND HARBOR-MASTERS.

Public wharves.

SEC. 36. The council of any village located upon or adjacent to any of the navigable waters of the state, shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of the village, including property at the foot or end of public streets; and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than ten years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Construction of.

SEC. 37. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Regulation of
wharves, wharf-
boats, etc.

SEC. 38. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the village; to regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public wharves, docks, and landings, and to collect wharfage and dockage from boats, water-craft, and floats landing at or using any public landing place, wharf, or dock within the village.

Control of
harbors, etc., in
villages.

SEC. 39. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the village, to control and regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the village; and to regulate and prescribe by such ordinances, or through a harbor-master or other officer, such location of any boat, craft, vessel or float, and such changes of station in, and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels and floats, and to regulate the opening and passage of bridges; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States, or this state, as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers and landing places within the village.

Harbor master.

SEC. 40. The council may also appoint a harbor master whose duty it shall be to enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to, and over the navigable waters, harbors, wharves, docks, landings and

basins within the village, and in respect to the navigation, trade and commerce of the village, and prescribe the powers and duties of such harbor-master and fix his compensation.

FERRIES.

SEC. 41. The council of any village may regulate and license ferries from such village, or any place or landing therein, to the opposite shore, or from one part of the village to another; and may require the payment of such reasonable sum for such license as the council shall deem proper; and may impose such reasonable terms and restrictions, in relation to the keeping and management of ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper, and may provide for the revocation of any such license, and for the punishment, by proper fines and penalties, for violation [violations] of any ordinance prohibiting unlicensed ferries, or regulating those established and licensed. Ferries.

MARKETS.

SEC. 42. The council of any village shall have the power to establish and regulate markets and market-places, for the sale of meats, fish, vegetables, and other provisions and articles necessary for the sustenance and convenience of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders. Markets.

SEC. 43. The council may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any article [articles] in his possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or elsewhere in the village. Regulations
against fraud,
etc.

Destruction of
tainted meats,
etc.

PARTITION FENCES.

SEC. 44. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village. Partition fences.

POLICE.

SEC. 45. The council of any village may provide for and estab-

Power of council to establish police. lish a police force, and appoint from time to time such number of policemen and night watchmen as they shall deem expedient for the good government of the village, and for the protection of the persons and property of the inhabitants, and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Government of police. SEC. 46. The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the village.

Marshal chief of police. SEC. 47. The village marshal shall be the chief of the police, and subject to the president, shall have the direction of the police of the village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the village, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the council for the good government of the village.

Duty of police.

PUBLIC HEALTH.

Ordinances for protection of health. SEC. 48. The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require.

Removal of nuisances. SEC. 49. The council shall have power to prevent and remove, or abate all nuisances dangerous to life or health within the village; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and in such manner as the council may by ordinance or resolution direct.

Filthy premises, etc. SEC. 50. If any cellar, vault, lot, sewer, drain, place or premises within the village, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive

exhalations, the council may cause the same to be drained, filled up, cleansed or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officer [officers] of the village.

SEC. 51. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, putify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon.

Removal of unsafe buildings, nuisances, etc.

SEC. 52. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercise [exercising] of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the village, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Ordinances as to offensive trades, etc.

SEC. 53. The council may purchase the necessary lands and erect thereon, or otherwise provide, one or more hospitals, either within or without the corporation, and provide for the appointment of the necessary officers and employes for the management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the village shall seem proper; and by direction of the council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such persons [person] from departing from such hospital until duly discharged.

Hospitals, erection, regulation of, etc.

SEC. 54. The council of any village incorporated under this act shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the state, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

Powers of council as board of health.

SEC. 55. When the council shall deem it necessary, they may establish a board of health for the village, and appoint officers therefor, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

Board of health, council may establish.

CHAPTER VIII.

Improvements
by special assess-
ments to be
declared by
resolution.

SEC. 3. When the council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, from the general funds of the village, or from street district funds, and shall designate the district or lands and premises upon which the special assessments shall be levied.

Special assess-
ment.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to the frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to [the] frontage or benefits, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving

Assessment roll.

such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and when such assessment is completed they shall report the same to the council. If the assessment is required to be according to the frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

How property to
be assessed.

Report of ex-
penses incurred
on property not
assessed *pro rata*.

SEC. 19. When any expense shall be incurred by the village upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

SEC. 20. The council shall determine what amount or part of

every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the clerk to the board of assessors for assessment.

Council to determine what part of expense to be charged.

SEC. 21. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council, and thereupon the same proceedings shall be had, and with like effect as is provided in this chapter in other cases of special assessments.

Special assessment roll.

CHAPTER IX.

SEC. 2. The council shall also have power to raise, by general tax upon all the real and personal property aforesaid, such sum not exceeding one-half of one per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a "general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes, and alleys of the village: *Provided*, If the village shall be divided into street districts, then such part of the above amount, in this section mentioned as the council shall determine, may be raised by general tax for the general highway fund, and the balance may be raised, by tax on the taxable property in the several street districts. Any such money raised in a street district shall constitute a "street district fund," and shall be expended, exclusively for the improvement of the streets and public ways in the district.

Highway taxes, how raised.

Proviso.

Street district fund.

SEC. 4. The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any one year, one-fourth of one per cent of the assessed value of the property in the village: *Provided*, That the whole amount which may be so raised for the purchase of grounds for such purpose, shall not at any time exceed five thousand dollars. A tax or assessment of not more than two dollars a year may be levied upon each lot or premises drained by a private drain or sewer, leading into any public sewer or drain. Moneys so raised shall be paid into the general fund. In addition to the above amounts, the council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the districts [district] in proportion to frontage or benefits, such sums as they shall deem necessary to

Cemetery grounds.

Proviso.

Private drain tax.

To be paid into general fund.

Special tax for sewer, etc.

Special fund.

Interest and
sinking fund.General assess-
ment roll.Assessor to esti-
mate tax, etc.Purchase of
lands bid off to
village for taxes.

defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys loaned therefor. The council may also raise annually such further sum, not exceeding three mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay the funded debt of the village, if any, and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

SEC. 7. The assessor of every village subject to the provisions of this act shall, in each year, at and within the same time as required by the general laws of this state for the assessment of property in the townships of the state, make an assessment roll, containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the state to taxation in the village, and the name of the owner, agent, or person liable to pay taxes therein, if known, and the names of all persons liable to pay a poll tax in the village; and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing the action of supervisors of townships performing like services, unless otherwise in this act provided.

SEC. 13. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in one column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and shall also set down in another column on the roll one dollar opposite the name of every person liable to pay a poll tax in the village; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as aforesaid, and certify upon the roll the aggregate amounts of the taxes levied therein.

SEC. 27. In case any lands shall be bid off and sold to the village, as provided in section twenty-three of this chapter, and the same shall not have been redeemed as provided in section twenty-five of this chapter, any person may purchase the same, or any part thereof (being one or more complete pieces or parcels as described in the assessment roll), at any time after the time for redemption shall have expired, unless the council shall, by ordinance or resolution, otherwise provide, upon application to the

village treasurer, and paying to said treasurer the amount for which the same was bid off to the village, and if such lands had been bid off to the village more than once, then upon paying the aggregate amounts for which the same had been so bid off, with interest upon such amount or amounts at fifteen per cent per annum for the period during which they might have been redeemed, to wit: one year as provided in [said] section twenty-five, and at the rate of ten per cent per annum thereafter, to wit: from the expiration of the time limited for redemption as aforesaid to the day of making such application and payment.

SEC. 28. In case any lands shall be offered for sale for non-payment of taxes as provided in this chapter, which have theretofore been bid off, and sold to the village as provided in section twenty-three of this chapter, and the same have not been redeemed or sold as provided in this chapter, any person purchasing the same at such sale shall be required to pay, in addition to the amount for which they are then offered, the full amount which the village would have been entitled to receive had they been sold as provided in section twenty-seven of this chapter, and upon payment being made as aforesaid, the purchaser shall be entitled to receive a deed of the lands in the same manner and with like effect as though he had purchased said lands as provided in said section twenty-seven.

Deed of lands sold.

SEC. 29. Upon application and payment being made as mentioned in section twenty-seven of this chapter, the village treasurer shall execute to such purchaser a deed conveying all the right, title, and interest of the village in and to said lands, acquired by virtue of the original sale or sales to the village, which said deed shall, in case all the proceedings previous to the execution of the deed have been regular and according to law, vest in the purchaser or to whomsoever it shall be given, an estate in fee simple; and said deed shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessors to the date of the deed inclusive, and of the title in fee of the grantee therein named. And every such deed duly executed and acknowledged by said treasurer may be given in evidence in the same manner as other deeds of conveyance.

Village treasurer to execute deed.

SEC. 30. Whenever any tax assessed upon personal property in the village shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of the village to bring suit, in the name of the village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means provided by law for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, shall apply.

Deed may be given in evidence.

Suit for collection of unpaid tax on personal property.

SEC. 31. The council of any village organized under the provisions of this act may, by a concurring vote of two-thirds of the trustees elect, borrow, in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding one-half of the

Authority of council to borrow money in anticipation of tax.

tax, as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment, as may be necessary for the prosecution or completion of the improvement; and the assessment, when collected, shall be applied in payment of the loan.

Loan for public buildings, etc.

SEC. 32. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual or special village election. The amount that may be voted or raised, in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the village, as shown by the last preceding tax-roll made therein.

Proposition to raise money to be submitted to vote of electors.

SEC. 33. The proposition to raise such additional amount shall be submitted to a vote of the electors, by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be published in a newspaper in the village, if any is printed therein, and copies of the resolution or ordinance shall be posted in six of the most public places in the village, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot; the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors.

Vote to be by ballot.

How money drawn from treasury.

SEC. 34. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the president. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the village.

Limit of loans.

SEC. 35. No loans shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase, the indebtedness of the village. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Bonds.

Record of bonds.

Bond to show class of indebtedness.

Sections added.

SEC. 2. That there be added to said act three new chapters, to stand as chapters ten, eleven, and twelve, and to read as follows:

CHAPTER X.

FIRES AND FIRE DEPARTMENT.

SECTION 1. The council of any village organized subject to the provisions of this act, shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

Ordinances relative to fires, etc.

SEC. 2. The council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the village, and make all necessary provisions for a convenient supply of water for the use of the department.

Purchase of fire engines.

SEC. 3. The council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Engine houses, etc.

SEC. 4. Such officer as may be prescribed by ordinance or resolution of the council shall be the chief of the fire department, and subject to the direction of the president and the regulations of the council, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property.

Chief of fire department.

SEC. 5. The chief of the fire department, the president, chief of police and any trustee or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the village.

Who may demand assistance at fires.

Arrest of persons refusing to assist.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

Fire wardens.

SEC. 7. The council may prescribe by ordinance from time to time, limits or districts within villages having a population of two thousand or more, within which wooden buildings and structures

Fire districts.

shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Location of shops.
Lumber yards, etc.
Storing gunpowder, etc.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Penalty for building, etc., contrary to ordinance.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

Compensation of firemen, etc.

SEC. 10. The officers, firemen, and employés of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at any fire.

Engineer may pull down buildings.
Compensation for building.
Damages, how ascertained.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the president or any two trustees, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the village therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed.

Regulations to be observed by vessel owners to prevent fires.

SEC. 12. The council of any village located upon any of the navigable waters of the state, may by ordinance prescribe such regulations to be observed by owners, masters, and employés of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

CHAPTER XI.

WATER WORKS.

SECTION 1. Any village organized under the provisions of this act shall have authority to construct and maintain water works for the introduction of water into the village and supplying the village and the inhabitants thereof with pure and wholesome water; for the extinguishment of fires; the ordinary and extraordinary uses for dwellings, stores, shops, hotels, factories, manufacturing establishments, mills, public buildings, yards, streets, livery stables, barns, and all other buildings and establishments, and for such other purposes as the council may prescribe.

Village may maintain water works.

SEC. 2. The village may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the construction and maintenance of such water works.

Reservoirs, etc.

SEC. 3. It shall be lawful for any village subject to the provisions of this act, to borrow any sum of money to be used exclusively for the purpose of constructing and maintaining water works, as provided in the two preceding sections: *Provided*, That the total sum borrowed and raised by tax the first year shall not exceed ten per cent of the assessed valuation of the village, as contained in the last preceding assessment roll of the same: *And provided*, That not more than five per cent shall be borrowed during any one year thereafter, and the rate of interest shall not exceed ten per cent upon any indebtedness contracted under the provisions of this chapter. The council shall have the power to fix the time and place of payment of the principal and interest voted under the provisions of this chapter, and to issue the bonds or other evidence of indebtedness of the village.

Borrowing money for water works.

Proviso.

Proviso.

Bonds for.

SEC. 4. Before any money shall be borrowed, appropriated, raised, or expended for the construction of water works, in any village subject to the provisions of this act, the council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village at its annual election, or at a special election, called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors voting at such election by ballot shall decide.

Question of borrowing money to be submitted to electors.

SEC. 5. It shall be lawful for the council of any village, subject to the provisions of this act, which may avail itself of the provisions of this chapter, by the passage of proper ordinances, to provide for the appointment of a commission or board, consisting of three members, to be known as the "board of water commissioners" of such village, the term of at least one member of which board shall expire yearly, to take the charge and management of such water works, in the manner and to the extent which shall be provided in the ordinances of the village.

Board of water commissioners.

Connecting or supply pipes to be kept in repair by owner.

SEC. 6. The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the council, or such other authority as may be prescribed by ordinance. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance, unless authority be given to the board of water commissioners to prescribe the manner of the construction and connecting thereof, in which case it shall be done as they may prescribe or direct.

Rents for water.

SEC. 7. The council or the board of water commissioners, if authority be given them by ordinance for that purpose, shall establish a scale of rents to be charged and paid for supply of water, to be called "water rents," and appropriated to different classes of buildings in the village, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns, and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rents; and the council may prescribe by ordinance, when and to whom such water rents shall be paid, and what steps shall be taken to enforce payment thereof, and may provide, in case of non-payment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

Care and protection of water works.

SEC. 8. The council may enact such ordinances as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the management and control of such water works.

Water works may be maintained beyond corporate limits.

SEC. 9. When the council shall deem it for the public interest, such water works may be erected and maintained beyond the corporate limits of the village; and in such case the council shall have authority to enforce beyond the corporate limits of the village, within the county or counties in which such village is situated, and over the buildings, machinery, and other property belonging to and connected with such water works, in the same manner and to the same extent as if they, or it, were within the village, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management, and control thereof.

Use of streets, etc., for repairing and laying water pipes.

SEC. 10. For the purpose of constructing and maintaining such water works, the village shall have the right to use the ground or soil under any street, highway, or road within the county or counties within which such village is situated, for the purpose of introducing water into and through any and all portions of the village, on condition that it shall cause the surface of such street, highway, or road to be relaid and restored to its usual state, and any

damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

SEC. 11. If it shall be necessary, in the judgment of the council, to appropriate private property for the construction, erection, and maintenance of water works as provided in this chapter, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the village in the manner and with like effect as provided by the general laws of this state for the taking of private property for public use. Manner of taking private property.

CHAPTER XII.

SECTION 1. The resolutions and ordinances as lawfully passed or enacted, of every village heretofore incorporated under the provisions of this act, and the resolutions and ordinances of any such village that might lawfully be passed or enacted under the provisions of this act as hereby amended, are declared to be valid and in force: *Provided*, The provisions of this section shall not affect any action now pending, or any existing right of action. Resolutions and ordinances continued in force.

SEC. 2. When, by the provisions of this act, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same, when required to be by posting, shall be *prima facie* evidence of the facts therein contained: *Provided*, The same be filed with the village clerk within six months from the date of the last publication thereof, or of posting the same. Proof of publication of notices.

Approved May 31, 1879.

[No. 246.]

AN ACT in relation to the commencement of actions relating to real estate, and for labor or services, and service of process therein.

SECTION 1. *The People of the State of Michigan enact*, That in all actions for trespass on lands or injuries to lands, or for the unlawful conversion of any crops, and in all actions wherein the demand shall be principally for labor or services performed by any individual, company, or commenced in any court of competent jurisdiction in the county wherein the lands may be situated, or wherein the labor or services were rendered or performed, or in which the plaintiff or plaintiffs reside, the process or declaration by which such action shall be commenced may be served in any county within this state adjoining the county wherein such action shall be commenced, against any individual, company, or the proper officer of any corporation in this state: *Provided*, That if such service shall be made in any county other than the county Where process may be served. Provido—by whom served.

wherein such action shall be commenced, service shall be made by the sheriff or any constable of the county wherein service shall be made, or by any person authorized to make such service, but the officer making such service shall be entitled to travel fees only for the distance actually traveled within his own county in making such service, and he shall return the process or declaration by mail: *And provided further*, That in case any person shall [be] summoned into an adjoining county and shall prevail in the suit, he shall recover as costs his actual expenses in defending the suit, but no attorney fee exceeding that now allowed by law: *Provided*, That the provisions of this act shall not be construed to apply to actions commenced before justices of the peace by any company or corporation.

Approved May 31, 1879.

[No. 247.]

AN ACT to amend section eighteen of chapter two hundred and thirty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-two of the session laws of eighteen hundred and seventy-three, and to add two new sections to said chapter to stand as sections nineteen and twenty, relative to fees of jurors.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section eighteen of chapter two hundred and thirty-nine, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-two of the session laws of eighteen hundred and seventy-three, be, and the same is hereby amended so as to read as follows:

Pay of jurors in circuit court.

SEC. 18. Each grand and petit juror, and each talesman, shall be entitled to receive two dollars for each day's attendance, and one dollar for each half day, upon any term of the circuit court, or before any court of record, on the trial of a cause, and ten cents for each mile traveled in going and returning by the nearest traveled route, to be paid out of the county treasury of the county, on the certificate or order of the clerk or judge of such court.

Section added.

SEC. 2. That there be added to said chapter two hundred and thirty-nine, two new sections, to stand as sections nineteen and twenty of said chapter, and to read as follows:

Pay of jurors in justice court, etc.

SEC. 19. Each juror sworn in a justice court, or before any officer in any special proceedings allowed by law, or before any sheriff upon a writ of inquiry, shall be entitled to receive one dollar for each day's attendance, and one-half dollar for each half day's attendance as such juror; and the party requiring such jury shall be liable for the fees of such jury, and shall advance the fees for one day's attendance before the venire shall be issued, and at the time of the discharge of such jury the officer to whom such fees were advanced shall pay to each juror so much of said fees as he shall be entitled to, and return the balance, if there be any, to the

party from whom it was received, and when the party requiring such jury shall prevail in such action or proceeding, the whole of the fees to which such jury shall be entitled shall be taxed as costs in his favor: *Provided*, That the whole of the costs taxed, except attorney fees provided by law, in favor of the prevailing party shall not exceed the amount of ten dollars in any case exclusive of jury fees.

Proviso.

SEC. 20. Each juror sworn before any coroner or justice of the peace, on an inquest taken by either of them on view of any dead body, shall be entitled to receive one dollar and fifty cents for each day's attendance and seventy-five cents for each half day's attendance on such inquest, the accounts for such service to be allowed by the board of supervisors in counties not having a board of county auditors, and in counties having a board of county auditors by such board, on the certificate of such coroner or justice.

Pay of jurors at inquests.

Approved May 31, 1879.

[No. 248.]

AN ACT to prevent animals from running at large in certain cities and villages within this state.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any cattle, horses, mules, sheep, swine, or goats to run at large in any public street, lane, alley, park, place, or highway in any city or village within this state having a population of seven thousand or more inhabitants; and it shall be the duty of every commissioner of highways, pound-master, marshal, deputy marshal, policeman, and constable of any such city or village to seize and take into his possession as herein provided, and keep until disposed of according to law, any animal so found running at large: *Provided*, The city of Ludington be exempt from the operations of this act.

Unlawful for cattle to run at large in cities, etc.

Duty of highway commissioners and other officers.

Proviso.

SEC. 2. It is hereby made the duty of the common council or board of trustees of every such city or village to provide one or more suitable and convenient pound or pounds, and to appoint one or more pound-masters who shall have charge thereof, and such pound-master or other person having charge of such pound shall receive and keep therein any animal mentioned in the first section of this act, that may have been or may be found running at large contrary to said section upon the request of any person. And it shall be lawful for any person to seize and take into custody and retain till disposed of as required by law, any animal mentioned in said first section of this act, which may be trespassing upon premises owned or occupied by such person, or such animal may be driven to and kept in said pound as herein provided, and any inhabitant of any such city or village may take into custody till disposed of as required by law, any animal found running at large contrary to said first section of this act, if at the time there shall not be kept and maintained within such city or village a suitable pound

Common council or board of trustees to provide pounds.

Pound-master.

Seizure of animals.

within a distance of not more than two miles from the place where such animal may be found, or if there shall not be a pound-master in charge thereof, who will receive and keep the same as herein provided.

Keeping of animals after seizure.

SEC. 3. Whenever any such officer or person shall seize and take into his possession any animal under the preceding sections, such animal shall be received and kept in such pound, if there shall be one, and if not the same may be kept by any such officer or person in any other suitable place, and if such animal shall not be claimed and the fees hereinafter provided for paid within two days thereafter, said pound-master or other person in charge of said pound, if such animal shall have been received at such pound; and if not, then the person by whom such animal was seized or taken into custody shall make immediate complaint in writing, stating the name of the owner of such animal, if known to him, and the facts, to the recorder or to any justice of the peace of any such city or village, and such recorder or justice shall thereupon have jurisdiction to hear and determine such matter, and shall thereupon proceed in the same manner as in civil action, except as especially changed in this act, and shall forthwith issue a summons under his hand, directed to the owner if he shall have been named in said complaint, and stating the fact that such seizure has been made, and requiring the owner of such animal, or any party having an interest in the same, to show cause before such recorder or justice, at a time and place to be specified in such summons, why such animal should not be sold and the proceeds applied as directed by this act, and such time shall not be less than six nor more than twelve days from the issuing of such summons. The said summons may be served by

Service of summons.

any marshal, deputy marshal, or constable of said city or village, or by any elector thereof authorized so to do by the said recorder or justice, in writing thereon. Such service shall be made by delivering a copy thereof to the owner, if named in said summons, and if he can be found in said city or village six days before the return day thereof; and if the owner shall not be named in said summons, or if he cannot be found, then said summons shall be served by posting copies thereof in at least three public and conspicuous places in said city or village, at least five days before the return day thereof, and one of said places shall be in the office of the recorder or clerk of such city or village. At the time and

Joining issue.

place appointed for the return of said summons, the officer or person by whom such complaint was made shall appear, and any party or persons owning or having an interest in said animal shall be allowed by said recorder or justice of the peace to appear in said proceeding, and on his filing with said recorder or justice an answer under oath, subscribed by him or by his agent, denying any or all of the facts in said complaint, an issue shall be deemed joined in the said proceeding, and the subsequent proceedings shall be as in civil actions so far as they can be except as otherwise provided in this act, and it is hereby made the duty of the city or village attorney of all cities and villages included within this act to appear and conduct all proceedings under this act on behalf of the

City or village attorney to conduct prosecution.

person making such complaint. If no one shall appear to show cause and the said summons shall be returned duly served, or if the jury, or recorder or justice shall find after a trial that no sufficient cause is shown why such sale should not be made, as directed by this act, then said recorder or justice shall issue his warrant under his hand, directed to any marshal, deputy marshal or constable of the said city or village, commanding him to sell the said animal at public auction for the best price he can obtain therefor, and make return thereof to the said recorder or justice at a time and place therein specified, not less than ten nor more than twenty days thereafter. The said sale shall be on the like notice as on constable's sale on civil process, and the said sheriff, deputy sheriff or constable shall make return as required by the said warrant, and pay the proceeds of said sale to said recorder or justice. The said recorder or justice shall thereupon adjudge the costs of said proceedings, the same amounts being allowed as in civil actions, and in addition he shall allow to the officer or person making such seizure, for every horse, mule or colt, one dollar; for every cow, calf or other cattle, each fifty cents, and for every goat, sheep or swine, twenty-five cents, together with the actual damages sustained by such person by reason of the trespass or breaking of such animal into his premises, and compensation to such person or officer for the care and keeping of such animals from the time of the seizure thereof to the sale at the rate specified in the next section of this act, and the said recorder or justice shall be allowed the sum of one dollar for each animal so sold, and the marshal, deputy marshal or constable, the same fees as for service of a summons and execution in civil actions. If, after paying the sums aforesaid, there shall be any surplus of the proceeds of said sale, the said recorder or justice shall pay the same to the owner or person establishing before him, on the return of such summons, or at such other time as he shall appoint, the right to the same. If no person shall claim said surplus within one year after such seizure, the said recorder or justice shall pay the same to the treasurer of such city or village for the benefit of the contingent fund. If such owner or person interested shall not appear and demand such surplus within said year, he shall be forever precluded from recovering any part of such moneys, and the receipt of the treasurer of said city or village, given at any time after the expiration of said year, shall be a full discharge to said recorder or justice for the same.

SEC. 4. The owner of any animal which shall have been seized or impounded under and pursuant to the foregoing provisions may at any time before the making of the complaint hereinbefore provided for, demand and shall be entitled to the possession of such animal upon the payment to the poundmaster or the person in charge of such pound, if such animal shall have been impounded, and if not, then upon payment to the person or officer who shall have seized or taken such animals into his possession, the fees provided for in the preceding sections for the seizure of such animal; and if such animal shall have been impounded, the farther fee of fifty cents for every horse, mule, colt, cow, calf, or other cattle,

Order for sale of animal.

Notice of sale and return of proceeds.

Costs, fees, and damages.

Surplus.

When owner entitled to possession of animal.

Owner may make demand for animal before recorder, etc.

and twenty-five cents for every goat, sheep or swine, which said fee shall belong to such poundmaster or person in charge of such pound, and the farther sum of one dollar per day as compensation for keeping every such horse, mule or colt, and seventy-five cents per day for every cow, calf or other cattle, and fifty cents per day for every goat, sheep or swine for each day since and including the day such animal was seized, impounded or taken into possession as aforesaid. At any time after the making of said complaint and before the sale of said animal, the owner thereof may make demand and claim for such animal before the recorder or justice before whom said proceedings shall have been commenced; and upon making satisfactory proof of ownership of said animal before said recorder or justice, and upon paying to him the fees and compensation for keeping such animal hereinbefore in this section provided for, and [all] other fees and expenses that shall have accrued up to the time of making such demand and proof, he shall be entitled to the custody and possession of such animal. And the said recorder or justice shall fix and determine the amount of the fees, expenses and compensation in accordance with the provisions of this act, and shall pay the same to the officer or person entitled thereto.

Penalty for willfully causing another person's animal to run at large.

SEC. 5. In case the animal so seized under the foregoing provisions of this act shall have been so running at large by the willful act of any other person than the owner, such person shall be liable to the owner in a penalty not less than twenty-five dollars and not more than one hundred dollars, which penalty may be recovered by such owner for his benefit in an action on the case in any court of competent jurisdiction.

Appeal.

SEC. 6. An appeal may be taken by either party who shall have appeared and contested in said proceeding before such recorder or justice to the circuit court for the county, and all the laws relating to appeals from judgments of justices' courts and the jurisdiction, powers, and duties of circuit courts, to hear and determine such appeals, and the proceedings therein shall be applicable to appeals under this act, so far as the same can be applied and are consistent with this act. But such appeal can only be taken from the finding or determination that cause exists or does not exist for the sale aforesaid; and such appeal when made by the [a] claimant shall not be effectual for any purpose unless the bond required on appeals to the circuit court contains a clause that in case the finding or determination shall be affirmed, the claimant will pay all such sums as the court shall determine and adjudge for the costs, penalties and allowances so as aforesaid authorized to be made. In case of appeal by a claimant as aforesaid, and after the approval by the recorder or justice of such bond, said recorder or justice shall forthwith direct the sale not to be had, and shall order the said animal to be delivered to the appellant, if it shall appear to him that said appellant is the owner, or is entitled to the possession thereof.

Bond on appeal.

Animal delivered to appellant.

Animals to be supplied with food, etc.

SEC. 7. The poundmaster or other person in charge of said pound shall purchase all necessary supplies for the sustenance of all animals impounded, and all animals impounded or seized under this act shall be supplied with suitable food and drink for their suste-

nance; and such poundmaster or other person in charge of the pound shall keep a record in a book kept for that purpose and which shall at all reasonable times be open for public inspection, of the time when each animal was received into such pound, and the time when discharged therefrom, and of the name of the person to whom the same was delivered, and also a record of all moneys paid to him.

Record to be kept by poundmaster.

SEC. 8. The provisions of this act shall not be construed to deprive the party claiming the ownership of said property from bringing his action in replevin for the recovery of the same in case the same has been unlawfully seized.

Replevin.

Approved May 31, 1879.

[No. 249.]

AN ACT to amend sections two, four, five, and six of chapter thirty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's sections number one thousand four hundred and fifty-nine, one thousand four hundred and sixty-one, one thousand four hundred and sixty-two, and one thousand four hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, relative to the manufacture and inspection of salt.

SECTION 1. *The People of the State of Michigan enact*, That consecutive section fourteen hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

(1459.) SEC. 2. Immediately after the expiration of the present inspector's term of office, and every two years thereafter, there shall be appointed by the governor of this state, by and with the advice and consent of the senate, an inspector of salt, who shall be a person of competent skill and ability, and who shall hold his office for two years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the governor for cause; and in addition to other causes which may arise, incompetency or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the office, it shall be the duty of the governor to fill the same by appointment, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the senate; and, in the meantime, the governor shall, with the consent of the senate, appoint to fill the vacancy for the unexpired portion of the term.

Appointment of inspector.

Term of office.

Removal.

Vacancy.

SEC. 2. That consecutive section fourteen hundred and sixty-one of the compiled laws of eighteen hundred and seventy-one, as amended by act number ninety of the session laws of eighteen hundred and seventy-seven, [be] and the same is hereby amended so as to read as follows:

Section amended.

Salary of inspector.	(1461.) SEC. 4. The inspector shall be entitled to receive an annual salary of fifteen hundred dollars. He shall also be allowed the further sum of three hundred dollars annually for the expenses of providing and furnishing his office, and for clerk hire, stationery, books and printing. His deputies shall be entitled to such sums, in each case, as he may approve, not exceeding in any case the sum of one hundred dollars per month for the time actually employed. All salaries and expenses provided for by this act shall be retained by the inspector out of the money received under section five of this act, and accounted for, and paid out by him as provided in this act; salaries to be paid monthly: <i>Provided</i> , That in case the amount of money received for the inspection of salt, according to the provisions of section five, shall not be sufficient to pay the salaries and expenses of the inspector and his deputies, as provided herein, that the amount of such deficiency shall be deducted from said salaries <i>pro rata</i> to each.
Salary of deputies.	
How paid.	
Proviso.	
Section amended.	SEC. 3. That consecutive section fourteen hundred and sixty-two of the compiled laws of eighteen and seventy-one, as amended by act number ninety, of the session laws of eighteen hundred and seventy-seven, approved May third, eighteen hundred and seventy-seven, be and the same is hereby amended so as to read as follows:
Fees for inspection.	(1462.) SEC. 5. Each person, firm, company and corporation engaged in the manufacture of salt, or for whom any salt shall be inspected, shall from time to time as salt is inspected, or offered for inspection, pay on demand to the inspector, or the deputy of the district where the salt is inspected, three mills for each two hundred and eighty pounds of salt inspected or offered for inspection: <i>Provided</i> , That the same may be required to be paid in advance: <i>And provided further</i> , That but one inspection fee shall be paid upon the same salt. In case any person, firm, company or corporation shall neglect or refuse to pay such inspection fees, on demand, at his, their, or its office or manufactory, the party so refusing shall be liable to an action therefor, in the name of the
Proviso.	inspector; and the certificate of inspection, with proof of the signature of the inspector or deputy giving the same, shall be <i>prima facie</i> proof of the liability and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputies to refuse to inspect salt manufactured at the works so in default, until the amount due is paid. All money received by or paid to any deputy inspector under this section, shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, and shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.
Liability for refusal to pay for inspection.	
Proof of liability.	
Deputies to pay money over to inspector.	
Inspector to keep account of monies received.	
Books subject to inspection.	

SEC. 4. That consecutive section fourteen hundred and sixty-

three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(1463.) SEC. 6. The inspector shall, before entering upon the duties of his office, take the oath prescribed by the constitution of this state, which oath shall be filed in the office of the secretary of state. He shall execute a bond to the people of this state in the penal sum of seven thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the state treasurer; and when approved shall be by such treasurer filed and deposited in his office; and the inspector shall renew his bond every year. Any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default or malfeasance [misfeasance] of any of his deputies, may maintain an action on such bond, in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained. Oath and bond of inspector.

Action for default or misfeasance of inspector or deputy.

Approved May 31, 1879.

[No. 250.] .

AN ACT to establish a separate school for the blind.

SECTION 1. *The People of the State of Michigan enact, 'That there shall be established in this state an institution for the instruction of the blind, under the name and style of the "Michigan school for the blind."* School to be established.

SEC. 2. The governor shall immediately appoint three commissioners to act with him, for the purpose of selecting a suitable site and erecting thereon buildings for such school and putting the same into operation. The governor shall be *ex officio* a member of said board, and the members of said board shall receive three dollars per day for their services under this act, besides their traveling and other necessary expenses in the discharge of their duties. Commissioners to select site and erect buildings.

SEC. 3. Said commissioners shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state. They shall also, at their first meeting, appoint from their number a secretary and treasurer. Said treasurer shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. Oath of office of commissioners.

Secretary and treasurer.

SEC. 4. Said commissioners shall have power to rent suitable buildings or rooms for a separate school for the blind, to be occupied until the buildings hereinafter provided for are completed and ready for the reception of pupils, and to transfer thereto the blind pupils, together with [all] the musical instruments, books, maps and apparatus belonging to the blind department of the institution, for educating the deaf and dumb and the blind. May rent buildings.

May transfer pupils and apparatus at Flint institution.

Selection of site, etc.	<p>SEC. 5. Said commissioners shall proceed with all convenient speed to select and secure a suitable site, and cause to be constructed thereon the necessary buildings and fixtures for said school. In the selection of such site they may take into consideration any proposals to donate land or other aid therefor.</p>
Deeds for site.	<p>SEC. 6. The deeds for such site shall be duly executed to the people of this state, and shall be deposited with the auditor general.</p>
Plan of buildings, etc., where deposited.	<p>SEC. 7. Said commissioners shall prepare and adopt a plan for the grounds, buildings and fixtures for such institution, of such form, style and dimensions as will when completed come within the sum by this act appropriated for that purpose, and deposit the same with the auditor general.</p>
Advertisement for proposals.	<p>SEC. 8. Said commissioners shall, as soon as they have secured such site and adopted such plan, proceed to advertise for proposals for the erection and furnishing of such parts of the buildings in accordance with their plan, as may be necessary to put said institution in readiness for the reception of pupils; and upon the reception of such proposals they may make contracts with such builders as shall make proposals most conducive to the interests of the state, taking into consideration the price, time of performance and the responsibility of the contractors, with such sureties as they may offer, which contracts, when executed, shall be deposited with the auditor general.</p>
Secretary to make quarterly account to auditor general.	<p>SEC. 9. It shall be the duty of the secretary of said board of commissioners to render quarter-yearly to the auditor general, accounts current of all such transactions, and all moneys received and expended, with proper vouchers.</p>
Architect, superintendent, etc.	<p>SEC. 10. Said commissioners shall have the power to appoint an architect, superintendent and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the governor. Said commissioners shall also have the general control and government of said institution until the last day of the session of the legislature next succeeding the completion thereof, with the same powers and duties as are given to the board of control hereinafter provided for.</p>
Time commissioners to control and govern institution.	<p>SEC. 11. When said institution shall be completed and ready for the reception of pupils, said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the governor, who shall thereupon give public notice that said institution is completed, and that pupils will be received therein.</p>
Notice of completion of institution.	<p>SEC. 12. The sum of thirty thousand dollars is hereby appropriated for the purpose of carrying into effect the provisions of this act, which the auditor general shall add to and incorporate with the state tax for the year eighteen hundred and seventy-nine, and the further sum of five thousand dollars, or so much thereof as shall be necessary, is hereby appropriated to defray the current expenses of said institution for the year eighteen hundred and seventy-nine, which sum shall be added to and incorporated with the state tax of eighteen hundred and seventy-nine, and the further sum of ten thousand dollars, to defray the current expenses of said institution for the year eighteen hundred and eighty, which sum</p>
Appropriation.	

shall be added to and incorporated with the state tax of eighteen hundred and eighty.

SEC. 13. The general supervision and government of said institution shall be vested in a board of control to consist of three members, who shall be appointed by the governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two, four and six years from the last day of the session of the legislature next succeeding the completion of said institution, and until their successors are appointed and qualified; said respective terms of office to be designated in their several appointments, and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years or until his successor is appointed and qualified. In case a vacancy occurs in said board when the legislature is not in session, the governor shall appoint a member of said board to fill such vacancy until the next session of the legislature. The governor shall have power to remove members of said board of control for misconduct or other sufficient cause. The members of said board shall constitute a body corporate under the name and style of the "board of control of the Michigan school for the blind," with the right of suing and being sued, and using a common seal and changing the same at pleasure. The members of said board of control shall receive three dollars per day for the time actually and necessarily spent by them in the discharge of their duties, besides their traveling and other necessary expenses, to be allowed by the board of state auditors.

Board of control.

Term of office.

Vacancy.

Removal.

Body corporate.

Pay of members.

SEC. 14. It shall be the duty of the members of said board of control to meet annually at said institution on the first Wednesday of May in each year, and at such annual meeting they shall elect from their own number a president, secretary and treasurer of said board to hold their offices for one year and until their successors are elected and qualified. The treasurer of said board shall, before entering upon the duties of his office, give his bond to the people of this state in the penal sum of two thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties, and to properly account for all moneys received by him as such treasurer. It shall also be the duty of said board to meet once in four months on their own adjournment, and oftener if they shall deem it advisable. They shall also establish a system of government, and make all necessary rules and regulations for said school for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual, and moral training of the pupils in such school. They shall also appoint a superintendent and matron for said school, and all other such officers, teachers, and servants as the interests of said school shall require, and prescribe their duties and fix the compensation for their services.

Annual meeting of board.

Officers.

Bond of treasurer.

Meetings of board.

May make rules, etc.

Superintendent and matron.

SEC. 15. The object of said school shall be to educate the blind and to afford them instruction in such useful arts and trades as they are best adapted to pursue, and such as will best enable them to maintain themselves. All pupils received in such [said] school shall

Object of school.

Education of pupils, etc.

be educated in the branches usually taught in the common schools, in vocal and instrumental music, and in such other branches of learning as the board of control shall prescribe. They shall also receive instruction in such mechanical trades as said board shall prescribe, and shall have proper physical and moral training.

Who shall be received in school.

SEC. 16. There shall be received in said school as pupils all such blind persons and partially blind persons whose defective sight prevents them from receiving instruction in the common schools, between the ages of ten and twenty-one years, as are in suitable condition of body and mind to receive instruction, and who are residents of this state, and if minors, whose parents or guardians are residents of this state, without charge for tuition, boarding, lodging, washing, medicine, or medical attendance: *Provided*, The board of control may in their discretion admit persons under the age of ten or over twenty-one years.

Proviso.

Admission of applicants from other states.

SEC. 17. The board of control may admit applicants from other states to said school, and prescribe the compensation to be paid by them, their parents or guardians: *Provided*, Such compensation shall be ten per cent more than is sufficient to cover all their necessary expenses.

Time pupils to remain in school.

SEC. 18. The period for which pupils shall be entitled to remain in said school shall be eight years, but the board of control may, in cases where they deem it advisable, extend said time to ten years. This section shall not be so construed as to prohibit the said board of control from dismissing any pupils within the said period of eight years, for persistent disobedience, immoral conduct, or other sufficient cause, or in consequence of such pupil having been partly educated before entering said school.

Superintendents of poor to send to the school persons who are a county charge.

SEC. 19. It shall be the duty of the superintendents of the poor of the several counties of this state to send, or cause to be sent to said school all such persons as are entitled to admission therein, who are a charge upon their respective counties or any township therein. Such superintendent of the poor shall, before sending any pupils to said school, under the provisions of this section, cause them to be decently and comfortably clothed, and shall provide them with comfortable clothing while they remain at said school, and defray their traveling expenses in going to and returning from said institution, and provide them with such articles of necessity and convenience as are required by the rules and regulations of said school, to be furnished by the pupils therein, and shall also pay the board of such pupils during the usual annual vacation, if they are permitted to remain at said institution during such vacation. All persons entitled to admission in said school who are not a charge upon any county, but who, on account of their poverty, are unable to furnish themselves with proper clothing and other articles required by the rules and regulations of said school, shall receive the same aid from the superintendents of the poor of their respective counties while attending said school as is provided in this section for those who are a county charge. All expenses incurred by the superintendents of the poor under this section shall be a proper charge against their respective counties, and shall be defrayed out of the poor fund of such county.

Aid to indigent persons who are not a county charge.

SEC. 20. The board of control, together with the superintendent and other officers of said school, shall make a biennial report to the governor and legislature, on or before the first day of January, setting forth among other things the progress, condition, and needs of the several departments of the school, and a detailed account of the receipts and disbursements of the institution, with estimates of the amount needed for the support of the institution for the ensuing two years, and such other information relating to said institution as they may deem proper.

Report to governor and legislature.

SEC. 21. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 22. It shall be the duty of the secretary of state to make and forward to the superintendent of the Michigan school for the blind, on or before the first day of November in each year, on blanks prepared for that purpose, a copy in detail of so much of the statistical information received by him by virtue of any law of this state as relates to the blind.

Secretary of state to furnish certain information to superintendent.

Approved May 31, 1879.

[No. 251.]

AN ACT to amend an act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* the act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine, being chapter forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by several acts amendatory thereof, be, and the same is hereby amended by adding three new sections thereto, to stand as sections thirty-seven, thirty-eight and thirty-nine, as follows:

Sections added.

SEC. 37. If at the time of the filing of the petition for said ditch, drain, dike, or other improvement, authorized by said act or at any other stage of the proceedings, two-thirds of the resident owners of the land through which such ditch, drain, dike or other improvement is located shall petition such commissioners [commissioner] to let the entire work of constructing the ditch, drain, dike or other improvement as the case may be, to some one or more persons, and assess directly upon the land benefited by such construction, the cost thereof in money; then said commissioner may so let let the same and assess said land, if in his judgment it would be most advantageous to the parties interested.

When commissioner may let entire work to one person.

SEC. 38. If in the judgment of said commissioner it would be most advantageous to the parties interested to let the entire construction to one or more persons and assess the cost of said construction in money to the parties benefited thereby, he shall with as little delay as possible proceed to assign the equitable portion of

Assignment of cost of construction.

the costs of the construction of said ditch, drain, dike or other improvement upon each parcel of land to be benefited thereby; and where said drain or drains will benefit the highways, said commissioner shall also assign the proportion, which equitably should be assessed to the township to which such highways belong.

Selling contract
for construction.

SEC. 39. Said commissioner shall appoint a time and place when he will meet parties interested in said ditch, drain, dike or other improvement, which place shall be convenient of access to people living near and interested in said ditch, drain, dike or other improvement, and when and where he will sell the contract of constructing the said ditch, drain, dike or other improvement and the proportions of the cost of such ditch, drain, dike or other improvement he has assigned to each parcel of land, and shall give notice of said meeting as follows:

Notice of meet-
ing.

First, By publishing a notice thereof in some newspaper published in said county for two successive weeks;

Second, By giving ten days' notice by posting three written or printed notices in three public conspicuous places near the line of the proposed ditch;

Third, By giving ten days' notice in writing of such meeting to each resident owner of the land to be assessed for said construction. The work of constructing said ditch shall be sold to the lowest responsible bidder, but said commissioner shall have the right to reject any and all of the bids. Said taxes shall be assessed and collected in the same manner as is now provided by law for collecting the incidental expenses of said ditch, and said incidental expenses and costs of said construction may be assessed and collected together. Said commissioner shall proceed in all matters not provided for in this amendment the same as now provided for in said act: *Provided, however*, That nothing in this amendment shall abridge the rights of the owners of said land granted by section seven of said act, or to protest against said ditch, as provided for in section nine of said act.

Proviso—protest
against ditch.

Approved May 31, 1879.

[No. 252.]

AN ACT to amend act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, by inserting therein certain new sections.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to reg-

ulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this state," approved May first, eighteen hundred and seventy-three, be amended by adding two new sections at the end of article IV., to stand as sections twenty and twenty-one of said article, and to read as follows:

ARTICLE IV.

SEC. 20. If any officer, agent, clerk, servant, or employé of any railway company of this state, or which may be doing business in this state, shall execute and deliver to any person or corporation, or execute to be delivered, a bill of lading, receipt, or certificate, which shall purport to be property at the time of executing such bill of lading, receipt, or certificate in possession of such railway company or its agent, when the property is not in the possession or control of said railway company, he shall be deemed guilty of a felony, and on conviction thereof shall be punished by fine not exceeding two thousand dollars, or imprisonment in the state prison not exceeding three years, or both, in the discretion of the court.

Penalty for executing false bill of lading by employe, etc.

SEC. 21. If any person having possession or control of a bill of lading, receipt, or certificate of any such railway company, knowing the same to have been executed when the property described therein was not in possession of the railway company or agent issuing the same, who shall sell, pledge, or otherwise dispose of such bill of lading, receipt, or certificate for a valuable consideration, or as security for a past debt, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by fine not exceeding three thousand dollars, or imprisonment in the state prison not exceeding three years, or both, in the discretion of the court.

Penalty for disposing of false bill of lading.

Approved May 31, 1879.

[No. 253.]

AN ACT to amend sections one, two, three, four, six, seven, eight and nine of act number one hundred and eighty-five of the session laws of eighteen hundred and seventy-three, entitled "An act establishing a lien for labor and services upon logs and timber, and to add four new sections thereto, to be designated as sections eleven, twelve, thirteen and fourteen.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, six, seven, eight and nine, of act number one hundred and eighty-five of the session laws of eighteen hundred and seventy-three, be amended so as to read as follows:

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons that may perform any labor or services in falling, cutting, hauling, banking, driving, running, rafting, or

Lien for services in cutting logs, etc.

booming any logs, timber or staves, in this state, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims thereon.

Claim not to remain a lien unless claimant shall file statement.

What statement shall set forth.

When petition must be filed and suit commenced. *Proviso.*

SEC. 2. No such debt, demand or claim shall remain a lien on such logs, timber or staves unless a statement thereof in writing made under oath by the claimant, or some one in his behalf shall be made and filed in the office of the clerk of the county in which such labor or services was performed, such statement shall briefly set forth and state the nature of such demand or claim, the amount due the claimant as near as may be and a description of the logs, timber or staves upon or against which the lien is claimed, and in case the lien is claimed for labor performed in running or driving such lumber, logs or staves, then such claim shall be filed in the office of the clerk of the county in which such drive terminates.

SEC. 3. Such petition or statement shall be filed within fifteen days after the completion or last day of such labor or services: *Provided*, That whenever such lien shall be claimed for labor or services done and performed between the last day of October and the first day of the next April, such petition shall be filed on or before the fifteenth day of said April, and when for labor or service [services] done and performed between the last day of March and the first day of the next November, such petition shall be filed on or before the fifteenth day of said November, and unless it be so filed such lien shall thereupon terminate and cease, and suit shall be commenced for the recovery and enforcement of such claim under the provisions of this act within three months after the filing of such statement: *Provided*, That any sale or transfer of the logs, timber or staves upon which the lien is claimed during the time limited for the filing of such statement or petition and previous to the filing thereof, shall in no way affect such lien, but such lien shall remain and be enforced against such logs, timber and staves in whosoever possession the same shall be found.

Lien may be enforced by attachment.

Affidavit of claimant.

SEC. 4. Any person or persons having a lien upon or against any logs, timber or staves, may enforce the same by attachment against such logs, timber or staves in the circuit courts of this state. Before any attachment shall be issued the claimant, or some one in his behalf, shall make and annex thereto an affidavit, stating that the defendant named therein is indebted to the plaintiff, being the claimant, and specifying the amount of such indebtedness as near as may be over and above all legal set-offs, and such affidavit shall also show that such indebtedness is due for and on account of such labor or services on such logs, timber or staves as entitles the plaintiff to a lien thereon, describing as particularly as may be the logs, timber and staves upon which said lien is claimed. Such affidavit shall also state that the plaintiff has filed his statement of lien herein required. No other affidavit shall be necessary to authorize the issuing of such writ of attachment.

What attachment to require.

SEC. 6. The attachment shall require the sheriff or other proper officer to attach and safely keep the logs, timber and staves described in such affidavit, or so much thereof as may be necessary to satisfy the claim of the plaintiff with all costs, disbursements,

charges and expenses, and said attachment shall also require the said sheriff or other proper officer to summons the defendant therein named to appear before said court at the time and place therein specified, the same as ordinary writs of attachment, and any such attachment or other process issued out of any court of this state in pursuance of the provisions of this act may be served in any county of this state; and if the defendant in said attachment is not the owner or owners of the logs, timber or staves, then the said sheriff or other proper officer, shall serve a copy of said writ of attachment and affidavit, on or before the return day mentioned in said writ, upon the owner or owners of such logs, timber or staves, their proper agent or attorney, if such owner or owners, their agent or attorneys be known to him and residing in this state: *Provided*, That no sheriff or other officer shall attach or levy upon any such logs or staves when in transit from the place where cut to the place of destination, when such place of destination be within this state: *Provided further*, That if the owner of said logs, lumber or staves, or any person in their behalf shall make, execute, and file in the said circuit court or before the justice of the peace where the said attachment is pending, as hereinafter provided, a good and sufficient bond, in a sum double the amount claimed in said plaintiff's affidavit, signed by two freeholders, and approved by the clerk of said court or by said justice of the peace, running to the said plaintiff, and conditioned for the payment of all damages, costs, charges, disbursements and expenses recovered by the said plaintiff against the defendant which may be found to be a lien upon the logs, lumber or staves described in said affidavit and attachment, and upon the approval and filing of said bond, the said clerk or justice, as the case may be, shall issue an order to the officer having in charge such logs, timber or staves, directing their release, and upon the service of a copy of said order upon said officer he shall release said logs, lumber and staves.

Service of attachment.

Provided.

Provided.

Owner may file bond for damages, costs, etc.

Release of logs, etc.

SEC. 7. No attachment shall be issued under the provisions of this act in any of the circuit courts of this state, unless the amount stated in such affidavit as due the plaintiff, over and above all legal set-offs, shall be the sum of one hundred dollars and upwards, but in cases where two or more persons shall have claims for labor and services against any logs, timber or staves in less sums than one hundred dollars each, and when such claims shall have accrued against the same person or persons, it shall be lawful for two or more of the persons claiming such lien to unite their claims as hereinbefore provided, and designate one of their number or any other, their agent or attorney, for prosecuting such lien, or any suit necessary to enforce the same, and such statements shall be received and treated as one lien, and suit or attachment may be brought as for one claim and concluded as one cause or suit, and the person so designated as such agent or attorney shall be named in such suit or attachment as plaintiff: *Provided*, That such claims when so joined shall amount to at least one hundred dollars.

Attachment not to issue in circuit court unless amount due is one hundred dollars.

Several persons may unite when claim of each is less.

Provided.

SEC. 8. Justices of the peace within their respective counties

When justices
of the peace
shall have
jurisdiction.

shall have cognizance and jurisdiction of all cases arising under this act, when the amount claimed over and above all legal set-offs does not exceed three hundred dollars, and any person or persons having such lien shall be entitled to proceed by attachment in justices' courts against the property on which he or they may have such lien for the enforcement of the same. Before the issuing of any attachment in such case the plaintiff, or some one in his or their behalf, shall make and file with such justices of the peace an affidavit setting forth the same facts as required by section four of this act, and no other or further affidavit shall be required.

How certain
owners may be
made parties to
suit.

SEC. 9. Any person owning or claiming any of said logs, timber or staves and not a party to said suit, may upon application show such ownership or interest at any time before final judgment be made a party to said suit, and may appear and defend the same as if made parties originally to the suit. No action or lien under the provisions of this act shall be defeated by the taking of a note, unless it is expressly taken in discharge of the amount due and of the lien.

Taking of note
not to defeat
action.

Sections added.

SEC. 2. And that there be added to said act four new sections, to stand as sections eleven, twelve, thirteen and fourteen, and to read as follows:

Who shall be
defendants.

SEC. 11. In all suits or attachments commenced under the provisions of this act, the person, company or corporation liable for the payment of the debt or claim shall be defendant.

Service and re-
turn of writs,
etc.

SEC. 12. All writs of attachment [attachments] issued under the provisions of this act shall be served and returned as ordinary writs of attachment are served and returned in the circuit and justices' courts of this state respectively, and all subsequent proceedings in such cases shall be the same as in other cases of attachment in such courts, except as herein otherwise provided.

Findings.

SEC. 13. In all suits or attachments under the provisions of this act the court, jury or justice of the peace who shall try the same or make an assessment of damages therein, or make an inquest therein, shall in addition to finding the sum due the plaintiff, also find that the same is due for the labor and services for which the suit or attachment was brought, and was performed on the logs, timber or staves set forth in the claim therein, and the court or justice of the peace, as the case may be, shall render judgment in accordance with such finding, and execution shall issue therefor, and such execution, in addition to the directions and commands contained in ordinary executions in civil actions, may direct and command that the said logs, timber or staves, or so much thereof as shall be necessary for that purpose, be sold to satisfy such judgment, and all costs, charges and disbursements: *Provided, however,* That if the court, jury or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the declaration, the plaintiff shall not be defeated thereby, but he shall be entitled to judgment as in other civil actions, but in such case said plaintiff shall not recover or tax any costs arising from the filing of the petition or statement, nor for officers' fees or

Judgment and
execution.

proviso.

expenses arising from the service of said writ of attachment, or expenses incurred in the care of [the] property seized.

SEC. 14. The officer making the attachment may pay the boomage or storage on such logs, timber or staves during the time that he shall have the custody thereof by virtue of such writ of attachment, not exceeding the usual or going rate per thousand feet on the quantity actually attached by him, and return the amount so paid on the writ, which shall be included and taxed in the bill of costs as disbursements, but if paid after judgment, then the officer may charge and collect the same out of the property as other costs or disbursements.

Boomage to be taxed in bill of costs.

Approved May 31, 1879.

[No. 254.]

AN ACT to amend section one hundred and seven of chapter one hundred and thirty-six of compiled laws of eighteen hundred and seventy-one, relative to primary schools, being compiler's section three thousand six hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and seven of an act for the benefit of primary schools, being compiler's section three thousand six hundred and sixty-seven of the compiled laws of the year of our Lord eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

(3667.) SEC. 107. The supervisor shall also assess upon the taxable property of his township one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the township library, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised for the support of schools therein; and all moneys collected by virtue of this act during the year on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty and less than eight hundred children, or nine months' school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the one-mill tax in any township, before any district shall have a legal school therein, shall belong to the district in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

Assessment of one-mill tax, and how applied.

Approved May 31, 1879.

[No. 255.]

AN ACT to amend sections two and three of an act entitled "An act to establish graded and high schools," approved February fourteenth, eighteen hundred and fifty-nine, being compiler's sections three thousand seven hundred and forty-three and three thousand seven hundred and forty-four of the compiled laws of eighteen hundred and seventy-one, and to add a new section thereto to stand as section eight.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of an act entitled "An act to establish graded and high schools," being compiler's section three thousand seven hundred and forty-four of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended and a new section added to said act to stand as section eight, which said sections three and eight shall read as follows:

Classification of
scholars.

High school.

Tuition.

Expenses.

Employment of
teachers.

Text-books, etc.

Officers and ser-
vants.

Bonds of as-
sessor.

Authority to
borrow money
for indebtedness.

Proviso.

Proviso.

(3744.) SEC. 3. Said trustees shall have power to classify and grade the scholars in such district, and cause them to be taught in such schools or departments as they may deem expedient, to establish in such district a high school when ordered by a vote of the district at an annual meeting, and to determine the qualifications for admission to such school, and the fees to be paid for tuition in any branches taught therein, to audit and order the payment of all accounts of the director for incidental or other expenses, incurred by him in the discharge of his duties; but no more than fifty dollars shall be expended by the director in any one year for repairs of the buildings or appurtenances of the district property without the authority of the board of trustees, to employ all teachers necessary for the several schools, and to determine the amount of their compensation, and to empower the director to make contracts with the same, to prescribe courses of study and text-books for the use of said schools, and to make such rules and regulations as they may think needful for the government of the schools, and for the preservation of the property of the district; to employ such officers and servants as may be necessary for the management of the schools and school property, and prescribe their duties and fix their compensation; to determine the amount of bonds to be given by the assessor, and to approve the sureties on the same, and to prescribe the rates of tuition to be paid by non-resident pupils attending any schools in the district.

SEC. 8. Any school district organized under this act may, whenever it shall appear that the same can be done on terms advantageous to said district, borrow money to pay any bonded indebtedness of said district then existing, and issue further bonds of said district therefor: *Provided*, That a majority of the qualified voters of said district shall so determine, at an annual or special meeting called for that purpose: *And provided further*, That the notice of such meeting, whether annual or special, shall state the intention to take such vote.

Approved May 31, 1879.

[No. 256.]

AN ACT to amend sections one, two, three, four, five, twelve and forty of an act to authorize proceedings by garnishment in the circuit courts and district court of the Upper Peninsula, as amended by sundry amendments thereto, being compiler's sections six thousand four hundred and sixty-five, six thousand four hundred and sixty-six, six thousand four hundred and sixty-seven, six thousand four hundred and sixty-eight, six thousand four hundred and sixty-nine, six thousand four hundred and seventy-five and six thousand five hundred and three of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, and acts numbers eighty-one and one hundred and seventy-nine of the session laws of eighteen hundred and seventy-seven, of chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, relative to proceedings against garnishees.

SECTION 1. *The People of [the State of] Michigan enact*, That sections one, two, three, four, five, twelve and forty of "An act to authorize proceedings by garnishment in the circuit courts and district court of the Upper Peninsula, as amended by sundry amendments thereto, being compiler's sections six thousand four hundred and sixty-five, six thousand four hundred and sixty-six, six thousand four hundred and sixty-seven, six thousand four hundred and sixty-eight, six thousand four hundred and sixty-nine, six thousand four hundred and seventy-five and six thousand five hundred and three of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, and acts numbers eighty-one and one hundred and seventy-nine, of the session laws of eighteen hundred and seventy-seven of chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one," be and the same is hereby amended so as to read as follows:

(6465.) SECTION 1. *The People of the State of Michigan enact*, That in all personal actions arising upon contract, expressed or implied, brought in the several circuit courts or municipal courts of civil jurisdiction, whether commenced by summons, capias, or writs of attachment, and in all cases where there remains any sum unpaid upon any judgment or decree rendered in any of the several courts hereinbefore mentioned, if the plaintiff, his agent or attorney, shall file with the clerk of the court at the time of or after the commencement of suit, or at any time after rendition of judgment or decree, an affidavit, stating that he has good reasons [reason] to believe and does believe that any person (naming him) has property, money, goods, chattels, credits or effects in his hands or under his custody or control, belonging to the defendant, or that such person is indebted to the defendant, whether such indebtedness is due or not, and that the principal defendant (naming him) is justly indebted to the plaintiff on such contract, judgment or decree, in a given amount over and above all legal set-offs, and

Sections amended.

In what cases writ of garnishment may issue.

that the plaintiff or affiant is justly apprehensive of the loss of the same unless a writ of garnishment issue to the aforesaid person, a writ of garnishment shall be issued, sealed and tested in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of said suit or the rendition of judgment or decree against the principal defendant, and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summon such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure in writing, under his oath to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant (naming him), as charged in said affidavit, and thenceforth pay no money, and deliver no property to the principal defendant, [and] of said writ make due return.

Service of writ.

Garnishee to disclaim his liability.

Garnishee liable on service of writ.

(6466.) SEC. 2. From the time of the service of such writ, the garnishee shall be deemed liable to the plaintiff to the amount of property, money, goods, chattels and effects, in his control belonging to the principal defendant, or of any debts due or to become due from such garnishee to the principal defendant, or of any judgment or decree in favor of the latter against the former, and for all property, personal and real, money, goods, chattels, evidences of debt or effects of the principal defendant, which such garnishee defendant holds by a conveyance, transfer or title that is void as to creditors of the principal defendant; and such garnishee shall also be liable on any contingent right or claim against him in favor of the principal defendant.

When special interrogatories are not filed disclosure to be deemed sufficient.

(6467.) SEC. 3. Unless the plaintiff in such action shall within ten days after notice is served upon him or his attorney, of the filing of the garnishee's disclosure with the clerk of the court, file special interrogatories thereto, or file a demand for an examination of such garnishee before the judge of the court or a circuit court commissioner, such disclosure shall be deemed sufficient unless the judge of court on application and showing shall extend the time for filing such interrogatories or demand for such examination.

Garnishee to be served with copy of interrogatories.

(6468.) SEC. 4. If special interrogatories shall be filed to such disclosure as aforesaid, the garnishee or his attorney in such action shall be served with a copy of the same, together with a notice from the plaintiff or his attorney that such garnishee is required to answer such interrogatories in writing within ten days after such service; said garnishee shall answer the same on oath and file such answer with the clerk of said court within said ten days: *Provided*, Such time may be extended on application and showing to said court. If such plaintiff shall file in said cause a demand for the examination of such garnishee before said judge or a circuit court commissioner, and shall cause a copy of the same to be served on such defendant, with a notice from the plaintiff or his attorney requiring such garnishee to appear before the judge or a circuit court commissioner, at a time and place to be named in such notice, not less than three nor more than ten days after service of such notice, which time may be enlarged by the judge or commissioner on special cause shown, and submit to an examina-

Proviso.

Demand for examination of garnishee.

tion, on oath, concerning all matters of his liability as such garnishee under this act, which copy shall be served, and such service proven, when required, in the same manner as in cases of service of a declaration in suits commenced by declaration. Such garnishee defendant shall appear and submit to such examination as required by such notice. And if such garnishee shall fail to appear for examination at the time and place appointed by such notice, or if such garnishee shall fail or refuse to file his answers to such written interrogatories as required by this act, or if such answers are not full and responsive to such written interrogatories, the judge of the court, or a circuit court commissioner, upon application of the plaintiff, shall make an order that the garnishee do appear before him and submit to such examination at such a time and place to be named in such order. The testimony or statement made on such personal examination shall be reduced to writing by the commissioner or judge, and signed by the garnishee, and said commissioner or said judge shall report and file the same with the clerk of the court, and the same, and the answer to the written interrogatories, in cases where written interrogatories are filed and answered as above, shall be deemed part of the disclosure of such garnishee.

Defendant shall submit to examination.

Failure to appear for examination.

Testimony to be reduced to writing, etc.

(6469.) SEC. 5. If such garnishee does not appear and file his disclosure with the clerk of the court as aforesaid, on or before the return day of such writ, or if the time for so doing be enlarged, as hereinafter provided, then at the expiration of such enlarged period, or if special interrogatories shall be filed and served as provided by this act, and such garnishee does not file his answers thereto as required by the notice thereon, or if demand for his examination before a judge or [a] circuit court commissioner be filed and a copy served as provided by this act, and such garnishee does not appear and submit to an examination, as required by the notice endorsed thereon, the default of such garnishee for want of appearance and disclosure, or want of answers to such special interrogatories, or for want of appearance and submission to such examination, may be entered in the cause, and made absolute as in other personal actions, and in case of final judgment against the principal defendant, judgment may be rendered and execution issued against such garnishee, his goods and chattels, lands and tenements, for such amount as the plaintiff shall recover against the principal defendant. Such defaults may be set aside for any cause for which defaults for want of appearance and plea may be set aside upon such terms as the court shall impose.

On non-appearance of defendant, appearance may be entered.

Judgment and execution.

How default may be set aside.

(6475.) SEC. 12. The affidavit for the writ of garnishment shall be held and considered as a declaration by the plaintiff in trover against the garnishee as defendant, where the garnishee is chargeable for property, and for money had and received, when he is chargeable upon indebtedness against the garnishee, and upon the filing of the garnishee disclosure, or upon filing of the answers to such written interrogatories in cases where the same are required and filed, or upon the filing of the report of the testimony or statement made by such garnishee on such personal examination

How issue made.

Judgment.

Proviso.

In what cases
person not to be
adjudged a gar-
nishee.

in cases where such examination is had, the matter of such affidavit shall be considered as denied, except so far as the same is admitted by such disclosure, answers to interrogatories or report, which admissions shall have the effect of admissions in a plea, and also shall be *prima facie* evidence of the matters therein admitted. And thereupon a statutory issue shall be deemed framed for the trial of the question of the garnishee's liability to the plaintiff. And judgment may be rendered against such garnishee defendant, as upon declaration and plea, or [on] plaintiff's motion to the court at any time after the final judgment against the defendant in the principal cause, without further notice to such garnishee: *Provided, however,* If such plaintiff or such garnishee defendant shall within ten days after filing of such disclosure, answer, or statement, file with the clerk of such court a demand for trial of the cause, said cause shall stand for trial in the manner provided by this act.

(6503.) SEC. 40. No person shall be adjudged a garnishee in either of the cases following, to wit:

First, By reason of any money or thing received or collected by him as sheriff or other officer, by force of an execution or other legal process, in favor of the principal defendant:

Second, By reason of any money in his hands as a public officer, for which he is accountable, merely as such officer, to the principal defendant;

Third, Nothing in this act contained shall be applicable to any indebtedness of such garnishee to the principal defendant, for the personal labor of such defendant, or his family, unless such indebtedness exceed the sum of twenty-five dollars, and in case of such excess, only to the amount of such excess.

Approved May 31, 1879.

[No. 257.]

AN ACT to amend section one of an act entitled "An act relative to the issuing of false, fraudulent and part-paid shares of the stock of railroad companies, and to repeal sections four and five of act number two hundred and twenty-nine of the session laws of eighteen hundred and sixty-three," being section number seven thousand seven hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act relative to the issuing of false, fraudulent, and part-paid shares of the stock of railroad companies, and to repeal sections four and five of act number two hundred and twenty-nine of the session laws of eighteen hundred and sixty-three," being section seven thousand seven hundred and fifty-seven, of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That

it shall not be lawful for any railroad company existing by virtue of any of the laws of this state, nor for any officer of any such company, to sell, dispose of, or pledge any shares in the capital stock of such company, nor to issue certificates of shares in the capital stock of such company until the shares so sold, disposed of, or pledged, and the shares for which such certificates are to be issued shall have been fully paid nor issue any stock or bonds except for money, labor or property actually received, and applied to the purpose for which such corporation was created; and all fictitious stock dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void; and if any officer or officers of any such company shall issue, sell, pledge, or dispose of any shares or certificates of shares of the capital stock of such company, in violation of the provisions of this act, such officer or officers so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law in case of issuing false or fraudulent railroad stocks. The provisions of this act shall apply as fully to the stocks and officers of consolidated railroad companies, as existing in whole or in part within this State, as to original unconsolidated companies existing as aforesaid.

No shares or certificates to be sold till fully paid.

No stock or bonds to be issued except for money, etc., received.

Penalty.

Act applies to consolidated companies.

Approved May 31, 1879.

[No. 258.]

AN ACT to amend sections one, three, four, five, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, being compiler's sections six thousand seven hundred and eighty-nine, six thousand seven hundred and ninety-one, six thousand seven hundred and ninety-two, six thousand seven hundred and ninety-three, six thousand seven hundred and ninety-eight, six thousand seven hundred and ninety-nine, six thousand eight hundred, six thousand eight hundred and one, six thousand eight hundred and two, six thousand eight hundred and three, six thousand eight hundred and four, six thousand eight hundred and five, six thousand eight hundred and six, six thousand eight hundred and seven, six thousand eight hundred and eight, six thousand eight hundred and nine, six thousand eight hundred and ten, six thousand eight hundred and eleven and six thousand eight hundred and twelve, and section two of said chapter, being compiler's section six thousand seven hundred and ninety, as amended by act number one hundred and fifty-one of session laws of eighteen hundred and seventy-seven, approved May twenty-first, eighteen hundred and seventy-seven, and section six of said chapter, being compiler's section six thousand seven hundred and ninety-four, as amended by act one hundred and eighty-four of session laws of eighteen hundred and seventy-three, approved April twenty-

nine, eighteen hundred and seventy-three, and to repeal sections seven, eight, and nine of said chapter, being compiler's sections six thousand seven hundred and ninety-five, six thousand seven hundred and ninety-six and six thousand seven hundred and ninety-seven of the compiled laws of eighteen hundred and sixty-one [seventy-one]; also, to repeal sections twenty-five to thirty-four, inclusive, of said chapter, being compiler's sections six thousand eight hundred and thirteen to six thousand eight hundred and twenty-two, inclusive, of the compiled laws of eighteen hundred and seventy-one; also, to repeal "an act to provide for the better security of mechanics and other persons furnishing labor or materials for the erection, altering, repairing, beautifying or ornamenting of buildings in the state of Michigan," approved April seventeenth, eighteen hundred and seventy-one, being compiler's sections six thousand eight hundred and thirty-three to six thousand eight hundred and forty, inclusive, and being part of chapter two hundred and fifteen of said compiled laws, all relative to the liens of mechanics and others.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, four, five, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, being compiler's sections six thousand seven hundred and eighty-nine, six thousand seven hundred and ninety-one, six thousand seven hundred and ninety-two, six thousand seven hundred and ninety-three, six thousand seven hundred and ninety-eight, six thousand seven hundred and ninety-nine, six thousand eight hundred, six thousand eight hundred and one, six thousand eight hundred and two, six thousand eight hundred and three, six thousand eight hundred and four, six thousand eight hundred and five, six thousand eight hundred and six, six thousand eight hundred and seven, six thousand eight hundred and eight, six thousand eight hundred and nine, six thousand eight hundred and ten, six thousand eight hundred and eleven and six thousand eight hundred and twelve, and section two of said chapter, being compiler's section six thousand seven hundred and ninety, as amended by act number one hundred and fifty-one of session laws of eighteen hundred and seventy-seven, approved May twenty-first, eighteen hundred and seventy-seven, and section six of said chapter, being compiler's section six thousand seven hundred and ninety-four, as amended by act number one hundred and eighty-four of session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, be and the same are hereby amended so as to read as follows:

Idea created.

(6789.) SECTION 1. Every person who shall, in pursuance of any contract, express or implied, existing between himself, as contractor, and the owner, part owner, lessee or person holding, under any land contract or otherwise, any interest in real estate, build, alter, improve, repair, erect, beautify or ornament or put in, or who shall furnish any labor or materials in or for building, alter-

ing, improving, repairing, erecting, beautifying or ornamenting or putting in any house, building, machinery, wharf or other structure, and every person who shall, as sub-contractor, laborer or material man, perform or furnish any labor or materials to such original or principal contractor, in carrying forward or completing any such contract, shall have a lien therefor upon such house, building, machinery, wharf or other structure, and its appurtenances, and also upon the entire interest of such owner, part owner, lessee or persons holding, under such land contract or otherwise, in and to the lot or piece of land, not exceeding one-quarter section of land, or if within any incorporated village or city, not exceeding the lot or lots upon which said improvement is made, to the extent of the right, title and interest of such owner, part owner, lessee or person holding, under such land contract or otherwise, at the time work was commenced or materials begun to be furnished by the contractor under the original contract, or by a sub-contractor under such sub-contract: *Provided, however,* That the aggregate of all liens shall not exceed the amount due or to become due from such owner, part owner, lessee or person holding, under such land contract or otherwise: *And provided further,* That if any such labor, service or materials are furnished upon lands belonging to any married woman, with her knowledge or consent, in pursuance of a contract with the husband of such married woman, the person furnishing such labor, service or material shall have a lien upon such property the same as if such contract had been made with such married woman.

(6790.) SEC. 2. Such lien shall not attach unless such person, contractor or sub-contractor, labor or material man shall file in the office of the register of deeds of the county or counties in which said real estate is situated a written notice, substantially in the following form:

To all whom it may concern:

TAKE NOTICE.—That I intend to claim a lien upon the following premises and the tenements and appurtenances thereon, for materials and labor furnished and to be furnished by me as contractor (or sub contractor or laborer, as the case may be), under a certain contract existing between, as owner (or otherwise), claiming an interest in said premises, and, as contractor, (for building or repairing, putting in machinery, etc., as the case may be). Which premises are described as follows:

(Giving proper real estate description.)

(Signed)

.....,
Contractor (or as the case may be).

A copy of which notice shall be served on such owner, part owner, lessee or other person claiming an interest therein under such land contract (or otherwise), if he can be found within said county, or on his duly authorized agent in charge of said premises.

(6791.) SEC. 3. The filing and service of said notice shall not bind said premises and said owner, part owner, lessee or person

except for sum due.

Register shall index notices.

Contractor to furnish statement of work and materials.

Final statement, etc., to be filed with register of deeds.

Lien to be considered as a mortgage.

Proceedings to enforce lien.

Parties to action.

claiming under such land contract or otherwise, for any amount beyond the sum which is then due at the time of filing and serving the same or which may thereafter become due from such owner, part owner, or said other person to said original contractor, at or after the time of such service. The register of deeds shall index all such notices of intention to claim a lien, in a book to be kept for that purpose, and such filing shall have the same effect as to notice as the recording of a mortgage.

(6792.) SEC. 4. Such contractor or sub-contractor filing such claim of lien shall from time to time, whenever required by such owner, part owner or lessee, or his agent or other persons claiming an interest in such property as aforesaid within three days from demand therefor, furnish a statement of the amount of work and materials furnished to date of statement, and then unpaid as nearly as can then be ascertained, and the person claiming such lien shall serve on said owner or his agent in charge of the premises, if required by such owner or agent once each week after the time of the filing and serving of his said intention to claim such lien, a statement of the amount due as near as he can estimate the same at the time of the furnishing of such statement, and he shall, within thirty days after final cessation of his labor or the furnishing of materials by him, make an affidavit of the amount actually due him over and above all set off, and for which he claims such lien, and shall file the same in the office of the register of deeds, in the county or counties wherein the land or buildings to be affected thereby are situated, and shall also file therewith proof by affidavit of due service of notice of lien on such owner, part owner, lessee or other person holding under any land contract or otherwise, and unless such affidavits are so filed such lien shall cease and determine as to all persons except as to such owner, part owner, lessee or person holding under any land contract or otherwise.

(6793.) SEC. 5. The several liens upon the same property under any such contract, shall be deemed simultaneous mortgages and shall continue for sixty days after such affidavit of amount due is filed and no longer unless proceedings are begun to enforce the same as hereinafter provided.

(6794.) SEC. 6. Proceedings to enforce such lien shall be by bill or petition in chancery on oath, and notice of *lis pendens* filed with the register of deeds, shall have the effect to continue such lien pending such proceedings. And in such proceedings the complainant shall make all persons having rights in said property affected or to be affected by such liens so filed and recorded in the office of the register of deeds, and all persons holding like liens so filed and recorded, and those having filed notice of intention to claim a lien, parties to such action, and all persons holding like liens or having filed notice of intention to claim a lien, or any other person having rights in said property, may make themselves parties thereto on motion to the court and notice to the complainant, and may file their intervening or cross bills and notices *lis pendens* therein; intervening or cross bills shall be on oath, and all bills sworn to shall be evidence of the matters therein charged, unless denied by

answer under oath; amendments may be filed to any bill or cross bill, at any time before final hearing, and if it shall appear that any party has had insufficient notice of any proceeding, such further notice shall be given as the court shall think just: *Pro-* Proviso.
vided, That in cases where such liens are for amounts less than one hundred dollars, two or more persons may assign their claims or liens to a joint assignee, who shall have full power to enforce such claim or lien by bill or cross bill, for the use and benefit of the several persons having such claims or liens.

(6798.) SEC. 10. Every material question of fact shall be submitted to a jury, if required by either party, or if it shall be thought proper by the court; and such trial shall be had upon a question stated, or upon an issue formed under the discretion [direction] of the court, or otherwise, as the court shall order. Questions of fact to be submitted to jury, etc.

(6799.) SEC. 11. The court shall examine all the claims that shall be presented, and shall ascertain and determine the amount due to each creditor who has a lien, of the kind before mentioned, upon the estate in question, and every such claim, that is due absolutely and without any condition, although not then payable, shall be allowed with a rebate of interest to the time when it would become payable. Court to examine and determine claims.

(6800.) SEC. 12. When the owner of the land shall have failed to perform his part of the contract, and by reason thereof the other party shall, without his default, have been prevented from completely performing his part, he shall be entitled to a reasonable compensation for as much thereof as he has performed, in proportion to the price stipulated for the whole, and the court shall adjust his claims [claim] accordingly. Payment for work performed.

(6801.) SEC. 13. Upon final decree the court may order a sale of the buildings or machinery separate, or the lands, buildings, wharf and machinery together, by the sheriff, circuit court commissioner or receiver, or may order the property into the hands of a receiver, to be leased or rented from time to time, under the direction of the court, until the liens shall be discharged, or make such other order or disposition of the premises as shall to right appertain. If, upon the coming in and confirmation of the final report, any portion of the liens shall still be unpaid, the court may enter judgment and decree for the same, and execution shall issue for the same, as upon other decrees or judgments of the court. Final decree.

(6802.) SEC. 14. If any part of the premises can be separated from the residue and sold, without damage to the whole, and if the value thereof shall be sufficient to satisfy all the claims proved in the case, the court may order a sale of that part, if it shall appear to be most for the interest of all the parties concerned. Judgment upon final report.

(6803.) SEC. 15. If the claims against the estate are all ascertained at the time of ordering the sale the court may at the same time order the officer to pay over and distribute the proceeds of the sale after deducting all lawful charges and expenses, to and among the several creditors to the amount of their respective claims, if there is sufficient therefor; and if there is not sufficient, then divide and distribute the same among the creditors in proportion to the amount When part of property may be sold.
Distribution of proceeds of sale.

Proviso.	due to each of them: <i>Provided, however,</i> That such original contractor shall be subrogated to the rights of his sub-contractors, who shall be first paid in full.
When proceeds may be paid into court.	(6804.) SEC. 16. If the claims shall not have been ascertained when the sale is ordered, or if, for any other reason, it shall be deemed proper to postpone the order of distribution, the court may direct the officer to bring the proceeds of sale into court, to be disposed of according to the order of such court; and if, in consequence of the claims of attaching creditors, or for other cause, the whole cannot be properly distributed at once, the court may make two or more successive orders of distribution, as the circumstances may require.
Surplus.	(6805.) SEC. 17. If there be any surplus of the proceeds of the sale, after making all the payments before mentioned, it shall be forthwith paid over to the owner of the land; but such surplus shall be liable to be attached or taken in execution, in like manner as if it proceeded from a sale made on an execution.
How sales made.	(6806.) SEC. 18. Sales under such decrees shall be made in the same manner as in ordinary cases of mortgage foreclosure, unless otherwise directed by the court. And all lands sold under such order or decree of the court, may be redeemed at any time within fifteen months from the time of filing such petition or bill for such foreclosure.
Rights of attaching creditors.	(6807.) SEC. 19. When there are several attaching creditors, they shall, as between themselves, be entitled to be paid according to the order of their respective attachments, but when several creditors, who are entitled to the lien provided for in this chapter, have all equal rights as between themselves, and the fund shall be insufficient to pay the whole, they shall share it equally in proportion to their respective claims.
Costs.	(6808.) SEC. 20. The cost in all cases shall be subject to the discretion of the court, and shall be paid out of the proceeds of the sale, or by any of the parties in the suit, as justice and equity may require.
Actions at common law not prevented.	(6809.) SEC. 21. Nothing contained in this chapter shall be construed to prevent any creditor in such contract from maintaining an action thereon at the common law, in like manner as if he had no such lien for the security of his debt.
Creditor to discharge lien on payment.	(6810.) SEC. 22. When the debt secured by such lien is fully paid, the creditor shall execute to such owner, part owner, lessee or other person having an interest or title in such lands, building, or structure, effected by such lien, a discharge as in case of a discharge of a mortgage, or shall endorse such discharge on such claim of lien filed, and upon refusal to do so on demand, shall be subject to like penalties as are provided for refusal to discharge mortgages which have been fully paid.
Penalty for refusal.	(6811.) SEC. 23. If the creditor in such contract shall die before the commencement of a suit thereon, the suit may be prosecuted by his executors or administrators, or if commenced in his life-time, it may be prosecuted by them, as it might have been by the deceased, if living.
Executor, etc., may prosecute suit.	

(6812.) SEC. 24. Every bill or petition filed by any person not a resident of this state, in pursuance of this chapter shall be indorsed in the same manner that declarations are required to be indorsed in the like cases by some responsible person as security for costs, and the regulations concerning the indorsement of declarations shall apply to the indorsement of such petition. Bills filed by non-residents.

SEC. 2. Sections seven, eight and nine, being compiler's sections six thousand seven hundred and ninety-five, six thousand seven hundred and ninety-six, six thousand seven hundred and ninety-seven of chapter two hundred and fifteen, of the compiled laws of eighteen hundred and seventy-one, and sections twenty-five to thirty-four inclusive, being compiler's sections six thousand eight hundred and thirteen to six thousand eight hundred and twenty-two inclusive, of chapter two hundred and fifteen, of the compiled laws of eighteen hundred and seventy-one. Also, "an act to provide for the better security of mechanics and other persons furnishing labor or materials for the erection, altering, repairing, beautifying, or ornamenting of buildings in the state of Michigan," approved April seventeenth, eighteen hundred and seventy-one, being compiler's sections six thousand eight hundred and thirty-three to six thousand eight hundred and forty inclusive, of chapter two hundred and fifteen, of the compiled laws of eighteen hundred and seventy-one, relative to the lien of mechanics and others, be and the same are hereby repealed. Section repealed.

Approved May 31, 1879.

[No. 259.]

AN ACT to amend sections two, three, four, nine, fifteen, eighteen, and twenty-six, being compiler's sections three thousand and fifty-five, three thousand and fifty-six, three thousand and fifty-seven, three thousand and sixty-two, three thousand and sixty-eight, three thousand and seventy-one and three thousand and seventy-seven of compiled laws of eighteen hundred and seventy-one of "An act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes," and to add thereto four sections to said act to be known as sections twenty-nine, thirty, thirty-one and thirty-two.

SECTION 1. *The People of the State of Michigan enact, That* sections two, three, four, nine, fifteen, eighteen, and twenty-six, being compiler's sections three thousand and fifty-five, three thousand and fifty-six, three thousand and fifty-seven, three thousand and sixty-two, three thousand and sixty-eight, three thousand and seventy-one, and three thousand and seventy-seven of the compiled laws of eighteen hundred and seventy-one, of "An act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or Sections amended.

dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes," be amended so as to read as follows:

Number of persons necessary to organize.

(3055.) SEC. 2. It shall be lawful for any number of persons of full age, not less than five, who may be desirous of forming themselves into a church, congregation, or religious society to be connected with some church organization, and who shall sign articles of association for that purpose, to assemble together at such place as they may select, and by a plurality of votes, by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, a majority of whom shall, both in case of a church and in case of a society connected with a church, be members of such church, as trustees, to take charge of the property belonging to, and transact all the affairs relative to the temporalities of such church, congregation or society. At any time after such church, congregation or society shall have become duly organized, it shall be lawful for it, at a meeting thereof called in accordance with the provisions of this act, by a vote of two-thirds of the members of such church, congregation, or society entitled to vote, present at any such meeting, to amend its articles of association in any manner not inconsistent with the provisions of this act, and such amendments shall become operative on filing a copy of the same, certified by the moderator, chairman or president and clerk of such meeting, with the clerk of the county where such church, congregation or society is organized.

Amending articles.

Minister may be president.

(3056.) SEC. 3. It shall be lawful for any such church, congregation or society to choose their minister, priest, curate, rector, parson or officiating clergyman for the time being, to be the president of said corporation and of its meetings, by a vote as aforesaid, and at the first election provided for in this act, every person of full age who shall have signed the articles shall be entitled to vote.

Notice of election.

(3057.) SEC. 4. The minister, priest, rector, curate, parson or officiating clergyman of such church, congregation, or if none of them be present, one of the elders or deacons, church wardens, or vestrymen thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation or society, shall publicly notify said congregation of the time when and the place where any election shall be held; and such notification shall be given for two successive sabbaths on which such church, congregation or society shall statedly meet for public worship next preceding the election.

Powers of trustees.

(3062.) SEC. 9. The said trustees or wardens and vestrymen shall also have authority, under the direction of such church, congregation or society, to sell and convey, mortgage or lease any real estate belonging to such church, congregation or society, or held by them as such trustees, or wardens and vestrymen, and to erect or purchase churches and meeting houses, and dwelling houses for their ministers or priests, and other buildings for the direct and legitimate use of their church, congregation or society, and to alter and repair the same, but for no secular purpose: *Provided*.

proviso.

That no such sale or conveyance shall be made in any case where it

would be inconsistent with the express terms, or plain intent of the grant, donation, conveyance or devise by which the same was conveyed or devised to, or for the use of such church, congregation or society; nor unless the vote or assent of at least two-thirds of those present and entitled to vote at any meeting of the church, congregation or society, duly called for that purpose, shall be obtained therefor.

(3068.) SEC. 15. Such election shall be held at least six days before vacancies shall occur as aforesaid, and all such subsequent elections shall be held and conducted by the like persons and in the same manner as hereinbefore provided for the first election; and in case any vacancy shall occur by the death of a trustee, his refusal to act, or removal from the church, congregation or society, before his term of office expires, or otherwise, notice thereof shall be given as aforesaid, and an election shall be held and another trustee chosen in his stead for the remainder of his term.

Election to be held six days before expiration of term.

(3071.) SEC. 18. Nothing in this act contained shall be construed to give such trustees the power to fix or ascertain the salary or compensation to be paid any minister or priest, curate, rector, or parson, but the same shall be ascertained and fixed by a majority of such church, congregation or society, entitled to vote at the election of trustees.

Trustees not to pay salary of minister.

(3077.) SEC. 26. No grant, conveyance, devise or lease of any real estate, dedicated or appropriated to the purposes of religious worship, or for any religious or ecclesiastical purposes, or appearing to be intended to be managed or controlled by any church, congregation or society, or any officer or officers thereof, in his or their official capacity, shall hereafter vest any right, title or interest in any person or persons to whom such grant, conveyance, devise or lease may be made, unless the same shall be made to a corporation organized under some statute of this state, or of the late territory of Michigan, or under the provisions of this act, or some act hereafter passed, amending or altering the same.

Certain conveyances to be void unless made to corporation, etc.

SEC. 2. That said act be further amended, by adding thereto, four new sections, to stand as sections twenty-nine, thirty, thirty-one and thirty-two, and to read as follows:

Act amended.

SEC. 29. Any two or more corporations, formed under the provisions of this act, may be united into one corporation upon complying with the following conditions:

How corporations may unite.

First, Each of such separate corporations shall, at its annual meeting or at a meeting called by a majority of its trustees expressly to consider the propriety of such consolidation, notice of which shall be given in the same manner, as notice of the annual meeting, pass a resolution by a majority vote of the members of such corporation present at such meeting, declaring it expedient that such consolidation should take place, which resolution and the vote by which it was passed, shall be entered on the records of such corporation, and the record of such meeting shall be signed by the chairman and clerk thereof;

Second, After such resolution shall have been passed by the re-

spective corporations, the trustees thereof together, or a majority of such trustees, shall call a meeting of all the members of the different corporations, to be consolidated for the purpose of forming a new corporation from the members composing said several corporations;

Third, Notice of the time, place and object of such meeting shall be read for two successive Sundays next prior to such meeting, in the several places in which public worship shall be held by such churches, congregations or religious societies respectively on said days, and if there shall be no public worship on said successive Sundays in any one of said churches, congregations or societies, then such notice may be given by posting copies thereof in at least three public places in the township or townships in which such several corporations may be located, at least fourteen days before the time of such meeting; and one copy of such notice shall be posted on the door of the place of worship of each of said several corporations, if any such place of worship it has;

Fourth, At a meeting thus called, articles of association shall be entered into by not less than three discreet persons of full age, from each of such several corporations to be consolidated, and all the members of such corporations present at such meeting, shall have the privilege of signing such articles of association;

Fifth, After such articles of association for the purpose of such consolidation shall have been signed as above provided, said meeting shall elect not less than five nor more than nine trustees of such new corporation.

New articles of association.

SEC. 30. When such new articles of association entered into in accordance with the provisions of the preceding section, shall have been recorded in the office of the county clerk as provided in section six of this act, such separate corporations shall thereby become consolidated and merged therein, and the corporation thus formed shall thereupon succeed to, and become the legal owner of all the property both real and personal of such separate corporations, and shall also be liable for all the obligations before incurred by such several corporations.

Dissolution of church organization.

SEC. 31. When any church which has worshipped in connection with any religious society formed under the provisions of this act, shall have voluntarily dissolved its church organization, such religious society shall also be dissolved, and the trustees thereof shall hold the property of such society in trust to be disposed of by them, and the proceeds thereof shall be paid over to such religious organizations as shall be designated by the vote of the conference association or convention, with which such dissolved church organization had been connected.

By-laws.

SEC. 32. It shall be lawful for any church, congregation or religious society to adopt by-laws requiring and regulating the registration of all members of such corporation who are entitled to vote at any meeting of such church, congregation or society; and in that case only those thus registered shall vote.

Approved May 31, 1879.

[No. 260.]

AN ACT to amend an act entitled “An act to amend section one of an act entitled ‘An act to create a soldiers’ aid fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other state organizations, or in the forces of the United States,’ ” the same being section nine hundred and sixty of chapter twenty of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and fifteen of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That Act amended. an act to amend an act entitled “An act to amend section one of an act entitled ‘An act to create a soldiers’ aid fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other state organizations or in the forces of the United States,’ ” the same being section nine hundred and sixty, chapter twenty of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and fifteen of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

(960.) SECTION 1. That an amount not exceeding five thousand Appropriation for soldiers’ aid fund. dollars per annum be and the same is hereby appropriated from the general fund to be set apart and denominated the soldiers’ aid fund, for the support and care of infirm, maimed, and needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this state in other state volunteer forces, or the United States service, and were residents of this state at the time when said service was rendered; said assistance to be rendered at the Harper hospital in the city of Detroit and elsewhere, and to otherwise aid them, and also to assist, temporarily, destitute discharged soldiers, sailors, and marines of other states, in the discretion of the state military board.

Approved May 31, 1879.

[No. 261.]

AN ACT to provide for the incorporation of state detective associations.

SECTION 1. *The People of the State of Michigan enact*, That Companies organized under laws of 1871 may incorporate under this act. the companies organized in this state, under the provisions of chapter one hundred and twenty-six of the compiled laws of eighteen hundred and seventy-one and acts amendatory thereto, for the detection and apprehension of horse thieves and other felons, may be incorporated in pursuance of the provisions of this act.

SEC. 2. When ten or more associations formed under the provisions of the above chapter of the compiled laws of eighteen hun- How associations may organize.

dred and seventy-one and acts amendatory thereto, are desirous of organizing as [a] state detective association, shall each by their president, on a vote of such association, subscribe to articles of association in which shall be set forth the name of said association, and the place where said association has its office and does its business, said articles of association shall be filed and recorded in the office of secretary of state, and a certified copy of said articles of association shall be received as evidence in any court of competent jurisdiction in this state, of the existence of such association.

Body politic.

SEC. 3. Whenever said articles of association shall be filed and recorded as above provided for, said association, under the name and style of "The Michigan [State] Detective Association," shall be a body politic and corporate and capable of, and by such name may sue and be sued, plead and be impleaded, in any court of competent jurisdiction in this state, and shall have succession during any term not exceeding thirty years, and may have and use a common seal and alter the same at pleasure.

Election of officers.

SEC. 4. Said association shall elect all such officers as they deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by such association; said officers shall serve with or without compensation, as said association may direct.

Constitution and by-laws.

SEC. 5. Said association, by a majority vote, shall have power to adopt a constitution and by-laws for their government, not inconsistent with the constitution and laws of this state.

Authority to possess real estate.

SEC. 6. Said association may hold and possess real and personal property to the amount of thirty (30) thousand dollars, which shall not be used for any other purpose than for the legitimate business of the association.

Quorum.

SEC. 7. Such number of members shall form a quorum to transact business, and may adjourn from time to time, or call meetings, as said association may adopt.

May call peace officers to their aid.

SEC. 8. Such association shall have power to call to their aid the peace officers of this state, in accordance with law, in the pursuit and apprehension of felons and reclaiming stolen property.

Approved May 31, 1879.

[No. 262.]

AN ACT to amend sections twenty-four and twenty-five of chapter one hundred and fifty of the compiled laws of eighteen hundred and seventy-one, being compiler's sections forty-two hundred and twenty-six and forty-two hundred and twenty-seven, relating to the keeping of certain entry books by the register of deeds.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-four and twenty-five of chapter one hundred and fifty of the compiled laws of eighteen hundred and seventy-one, being compiler's sections forty-two hundred and twenty-six and forty-two hundred and twenty-seven, be and the same are hereby amended so as to read as follows:

(4226.) SEC. 24. Every register of deeds shall keep an entry book of deeds and an entry book of mortgages, each page of which shall be divided into six columns, with title or heads to the respective columns, in the following form, to wit:

Date of Reception.	Grantors.	Grantees.	Township where the land lies.			To whom delivered [after being recorded] and date [of delivery.]	Fee [Fees] Received.
			Town.	Range.	Section.		

He shall also keep a reception book of levies.

Book of levies.

(4227.) SEC. 25. In the entry books [book] of deeds, the register shall enter all deeds of conveyance absolute in their terms, and not intended as mortgages or securities, and all copies left as cautions, and in the entry book of mortgages he shall enter all mortgages and other deeds intended as securities, and all assignments of any such mortgages or securities; and in the entry book of levies he shall enter all levies, attachments, notices or *lis pendens*, sheriffs' certificates of sale, and United States marshals' certificates [certificate] of sale, noting in such books, the day, hour and minute of the reception and other particulars, in the appropriate columns in the order in which such instruments are respectively received, and every such instrument shall be considered as recorded at the time so noted. And the said record of such levies, attachments, notices, *lis pendens*, sheriffs' certificates, marshals' certificates, and the original papers required by statute to be filed to perfect such levies, attachments, notices, *lis pendens* and certificates on file in the office of the register of deeds, shall be notice to all persons, of the liens, rights and interests acquired by or involved in such proceedings, and all subsequent owners or encumbrancers shall take subject to such liens, rights or interests.

What entries to be made.

Entries, with original papers to be noticed.

Approved May 31, 1879.

[No. 263.]

AN ACT to provide for the preparation, publication, and distribution of a legislative manual.

SECTION 1. *The People of the State of Michigan enact*, That hereafter the secretary of state shall cause to be prepared and published biennially, a legislative manual, to be distributed by him to the persons and officers hereinafter named. That said manual shall contain the constitution of the United States, and the constitution of this state, with all amendments thereto; maps showing the congressional, senatorial, and representative districts, and judicial circuits of the state, and the population of each as shown by the last preceding census; a railroad map of the state, and tables showing distances between stations on the railroad lines; the vote for governor at the last preceding November election in the several counties by townships and wards, which information shall be returned

Secretary of State to publish and distribute manual.

County clerks to
return vote for
governor.

Number of copies
to be published.

Officers, etc., to
be supplied.

Additional
copies.

Sale.

to the secretary of state by the several county clerks, on or before the fifteenth day of December next preceding a regular session of the legislature; lists of the postoffices, newspapers, and banking institutions in the state; the latest statistics of the educational, charitable, reformatory, and penal institutions of the state; the table of the valuation of the taxable property in the several counties of the state as fixed by the state board of equalization at their last preceding meeting; the rules and joint rules of the senate and house of representatives of this state; diagrams of the senate chamber and representative hall; the names, ages, occupations, and residences of the members and officers of both houses; the names and residences of the state officers, and members of state boards, and principal officers of [the] state institutions; a list of the standing committees of both houses of the legislature; and such other matter as may be deemed essential. A sufficient number of copies of said manual shall be published to supply the members and officers of the legislature in office at the time of the publication of said manual with one copy each; also a sufficient number of copies to supply the following persons and officers with one copy each, viz.: governor and state officers, members and officers of the next following legislature, members of state boards, the principal officers of state institutions, senators and representatives in congress from this state, United States circuit and district judges in this state, justices of the supreme court, and judges of the circuit and superior courts in this state, each newspaper published in the state, and the clerks regularly employed in the several state departments. That in addition to the foregoing there shall be published two thousand five hundred copies of said manual, one hundred copies of which shall be deposited in the state library for the use of [in] said library, and for exchanges, fifteen hundred copies of which shall be for distribution in such manner as may be directed by the legislature in office at the time of publication; and the remaining nine hundred copies shall be deposited in the office of the secretary of state for sale by the secretary of state at a fair price not less than the actual cost thereof, and [that] the money received therefor shall be paid into the state treasury monthly.

Approved May 31, 1879.

[No. 264.]

AN ACT to amend section one of act number one hundred and six of the session laws of eighteen hundred and seventy-five, approved April twenty-third, eighteen hundred and seventy-five, entitled an act to amend section one of an act entitled "An act to extend certain rights and privileges to persons who are taxpayers but not qualified voters in school districts," being section three thousand seven hundred and five of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That*

section one of act number one hundred and six of the session laws of eighteen hundred and seventy-five, approved April twenty-third, eighteen hundred and seventy-five, being an act to extend certain rights and privileges to persons who are tax-payers, but not qualified voters in school districts," being section three thousand seven hundred and five of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows: Section amended.

[(3705.)] SECTION 1. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or who has resided three months next preceding such meeting on any territory belonging to such district at the time of holding said meeting, shall be a qualified voter in said meeting; and all such persons, unless aliens, shall be eligible to office in such school district. And all other persons who are entitled by the laws of this state to vote at any township elections, and who have, for three months as aforesaid, been residents in said district or upon any territory belonging thereto at the time of holding any school meeting, shall be entitled to vote on all questions arising in said district when the raising of money by tax is not in question. Who qualified to vote and hold office in school districts.

Approved May 31, 1879.

[No. 265.]

AN ACT to detach Charity islands from Huron county, and attach the same to the township of Au Gres, Bay county.

SECTION 1. *The People of the State of Michigan enact*, That the territory known as the Charity islands, lying in Saginaw bay, be and the same is hereby detached from the county of Huron and attached to the township of Au Gres, Bay county. Charity Islands attached to Bay county.

SEC. 2. This act ordered to take effect January first, eighteen hundred and eighty.

Approved May 31, 1879.

[No. 266.]

AN ACT to provide for the appointment of a clerk and deputy clerk of the recorder's court of the city of Detroit, and to repeal so much of section two of chapter two, and section twenty-eight of chapter six of "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, and sections two and six of an act amendatory thereto, approved April fifth, eighteen hundred and sixty-nine, and section fifty-two of an act amendatory to said first named act, approved April thirtieth, eighteen hundred and seventy-three, as refer to said clerk and deputy clerk of said recorder's court.

SECTION 1. *The People of the State of Michigan enact*, That

- Appointment of clerk and deputy clerk.** the clerk and deputy clerk of the recorder's court of the city of Detroit shall be appointed by the judge thereof, and a memorandum of such appointments shall be entered upon the records of said court. Such clerk and deputy clerk shall hold their respective offices for the term of two years from and after the third Tuesday in January, and until their successors are duly appointed and qualified. The judge shall have power at any time to remove such clerk and deputy clerk for incompetency or serious neglect in the performance of their duties; and in case of such removal or of a vacancy in said office by the death of said clerk or deputy clerk, or otherwise, the judge shall fill the unexpired term by a new appointment.
- Removal.**
- Bond.** SEC. 2. The clerk and deputy clerk of said court, each before entering upon the duties of his office, shall give a bond to the people of the state of Michigan in the penal sum of three thousand dollars, to be approved by the judge of said court, for the faithful discharge of the duties of said office. The condition of such bond shall be in substance as follows: *Whereas*, the above bounden is the of the recorder's court of the city of Detroit; now, therefore the condition of the said obligation is such that if the said shall faithfully, truly, and impartially enter and record all orders, decrees, judgments, and proceedings of the said court, and faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such, and shall deliver to his successor in office all the books, records, papers, seals and other things belonging to the said office, then the above obligation to be void, otherwise to remain in full effect.
- Salary of clerk.** SEC. 3. The clerk of said court shall receive such salary, not exceeding eighteen hundred dollars, and not less than fifteen hundred dollars, as shall be voted to him by the common council of the city of Detroit, which shall be payable out of the treasury of said city.
- Salary and powers of deputy clerk.** SEC. 4. The deputy clerk of said court shall have the same powers as are given to the clerk thereof, and he shall receive such salary, not exceeding fifteen hundred dollars, and not less than thirteen hundred dollars, as shall be voted to him by the common council of the city of Detroit, which shall be payable out of the treasury of said city.
- Section repealed.** SEC. 5. So much of section two, chapter two, and section [sections] twenty-eight of chapter six of "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, and sections two and six of an act amendatory thereto, approved April fifth, eighteen hundred and sixty-nine, and section fifty-two of an act amendatory to said first named act, approved April thirtieth, eighteen hundred and seventy-three, as refer to said clerk and deputy clerk of said recorder's court are hereby repealed.

Approved May 31, 1879.

[No. 267.]

AN ACT to amend section two of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-five, approved May three, eighteen hundred and seventy-five, and sections one and five of act number one hundred and ninety-three of the session laws of eighteen hundred and seventy-seven, approved May twenty-two, eighteen hundred and seventy-seven, entitled "An act to amend sections one, three, and five of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-five, entitled an act to prevent the sale or delivery of intoxicating liquors, wine, and beer to minors, and to drunken persons, and to habitual drunkards, to provide a remedy against persons selling liquor to husbands or children in certain cases, and to add one new section thereto to stand as section six."

SECTION 1. *The People of the State of Michigan enact, That* sections one and five of an act entitled "An act to amend sections one, three and five of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-five, entitled an act to prevent the sale or delivery of intoxicating liquors, wine and beer, to minors, and to drunken persons, and to habitual drunkards, to provide a remedy against persons selling liquor to husbands or children in certain cases, and to add one new section thereto to stand as section six, and section two of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-five, are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful for any person to sell, furnish to, or give any spirituous or intoxicating liquor, or any wine or beer, or any beverage, liquor or liquids for drink, containing any spirituous or intoxicating liquor, wine, beer, or malt liquor, to any minor [minor] or intoxicated person, or any person in the habit of getting intoxicated, or in any place or room where the game of billiards, pool, pigeon-hole or any other game of chance is played or allowed to be played. It shall not be lawful for any person, including druggist [druggists], to sell malt, spirituous, or intoxicating liquors, without first having executed and delivered to the treasurer of the county in which such business is prosecuted or carried on, the bond required to be given by section five of this act. All saloons, restaurants, bars in taverns or elsewhere, and all other places where malt, spirituous or intoxicating liquors are sold, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, election days, or legal holidays, and no malt, spirituous or intoxicating liquors shall be sold or given away in any such place at any time during such days, and on each week day night from and after the hour of nine o'clock until six o'clock of the morning of the succeeding day: *Provided, That* in all cities and incorporated villages of this state, the saloons, restaurants, and bars in taverns or elsewhere in such cities and villages may remain open until not later than ten o'clock in the evening on such week day nights,

Sections amended.

In what cases unlawful to sell, etc., liquor.

Bond required of vendor.

When saloons to be closed.

Proviso.

Druggists may sell for certain purposes.	unless ordered sooner closed by the proper city or village authorities. But the above provisions about closing shall not be construed to prohibit persons whose principal business is to deal in drugs and medicines, from selling alcohol or alcoholic liquors, to be used for medicinal, mechanical and sacramental purposes, or to be used as a chemical agent in scientific and manufacturing purposes only.
Record of sales, etc.	But all such dealers in drugs and medicines, on such days and nights or other times, shall keep a book expressly for that purpose, in which shall be recorded the names of all persons applying for such liquor for any of these lawful purposes, the date of each sale, the amount and kind of liquor sold to each person, and the purpose to which the liquor was to be applied as stated by the purchaser, which shall be opened for examination by any person on request during all business hours. And a failure to keep such record on the part of any such dealer, or the delivery of liquor for any purposes other than above named, shall subject him to the same penalties as are provided for other unlawful sales in this act;
Penalty for not keeping record.	and a misrepresentation on the part of any purchaser, made to any such dealer, for the purpose of surreptitiously obtaining alcoholic or intoxicating liquors to be used as a beverage, shall subject said purchaser to the penalties provided for in this section. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars and costs of prosecution, and imprisonment in the county jail not less than ten days, nor more than ninety days, in the discretion of the court. And in case such fine and costs shall not have been paid at the time such imprisonment would expire, he shall be further detained in jail until such fine and costs are paid: <i>Provided</i> , That in no case shall the whole term of imprisonment exceed ninety days. Each violation of any of the provisions of this act shall be construed to constitute a separate and complete offense, and for each such violation upon different days said person or persons shall be liable to the forfeitures and penalties herein provided.
Penalty for obtaining liquor by misrepresentation.	
Penalty for violating provisions of section.	
Each violation an offense.	
Penalty for obtaining liquor by false pretense, or for being drunk in hotel, etc.	SEC. 2. Any person who by false pretense shall obtain any spirituous or intoxicating liquors, or who shall be drunk or intoxicated in any hotel, tavern, inn, or place of public business, or in any assemblage of people collected together in any place for any purpose, or in any street, alley, lane, highway, railway or street car, or in any other place, by drinking intoxicating liquors, shall, on conviction thereof, be punished by a fine of five dollars, and the costs of prosecution, or be punished by imprisonment in the common jail of the county, not exceeding twenty days, or both such fine and imprisonment, in the discretion of the court. Whenever complaint shall be made by any person on oath before any justice of the peace in any county, or any municipal or police court of any village or city that any person is found intoxicated or has been intoxicated in any hotel, store, public building, street, alley, highway or other place, it shall be the duty of such justice, municipal or police court to issue a subpoena to compel the attendance of
Proceeding when persons found intoxicated.	
Person found intoxicated to be summoned before court.	

such person so found intoxicated or who has been intoxicated as aforesaid to appear before the justice or court issuing the same to testify in regard to the person or persons of whom and the time when and place where, and the manner in which the liquor producing his intoxication was procured; and if such person when subpoenaed, shall neglect or refuse to obey such writ, said justice or court who issued the same, shall have the same power and authority to compel the attendance of persons so subpoenaed and to enforce obedience to such writ as in other civil cases. Whenever the person so subpoenaed shall appear before the justice, municipal or police court, to testify as aforesaid, he shall be required to answer on oath the following questions to wit: When, where, and of whom did you procure, obtain or receive the liquor or beverage, the drinking or using of which has been the cause of the intoxication mentioned in the complaint? And if such person shall refuse to answer fully and fairly such questions on oath, he shall be punished and dealt with in the same manner as for a contempt of court as in other cases. If it shall appear from the testimony of such person, that any of the offenses specified in this act have been committed in this state, such justice or court before whom such testimony is given, shall make a true record of the same and cause it to be subscribed by such witness; and the said testimony or answers, when subscribed as aforesaid shall be deemed and taken to be sufficient complaint to authorize the issuing of a warrant to arrest any person or persons who may appear from said complaint to be guilty of having violated any of the provisions of this act. Any person arrested on a warrant issued pursuant to the provisions of this section shall be brought before the justice or court issuing the same, and all subsequent proceedings in such suit or prosecution, shall be governed by and subject to the provisions of this act and the rules of law applicable thereto.

To testify when, where, and of whom liquor was procured.

Penalty for refusing to answer questions.

Record of testimony.

Testimony deemed sufficient complaint to warrant arrests.

SEC. 5. Every person engaged in the sale of any intoxicating, spirituous, malt, brewed or fermented liquors for any purpose whatever shall, before commencing such business, and on or before the first day of May in each and every year thereafter, make, execute and deliver to the county treasurer of the county in which he is carrying on such business, a bond, the sufficiency of which shall be determined, by the township board of the township, or the board of trustees, or the common council of the village or city in which such business is proposed to be carried on, to the people of the state of Michigan, in the sum of not less than two thousand dollars nor more than five thousand dollars, with two or more sufficient sureties, who shall be freeholders, and residents of the township, village or city in which such business is proposed to be carried on, each of whom shall justify in a sum equal to the amount of the bond, over and above all indebtedness, and all exemptions from sale on execution, and all liability on other similar bonds, which bond shall be substantially in the following form:

Bond of persons selling liquor.

Know all men by these presents that we-----as principal and-----and-----as sureties, are held and firmly bound unto the people of the state of Michigan, in the sum of

Form of bond.

.....dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals and dated thisday of....., A. D. 18...

WHEREAS, The above named principal professes to carry on thebusiness of..... (and describing the place of business)at....., in the county of

AND WHEREAS, The said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to wit: That he will not directly or indirectly by himself, his clerk, agent, or servant, at any time, sell, furnish, give, or deliver any spirituous or intoxicating liquors, or any wine, beer or malt liquor, or any mixed liquor, a part of which is spirituous or intoxicating, to a minor nor to any adult person whatever, known to him to be an habitual drunkard, nor to any person in the habit of getting intoxicated, nor to any person of Indian descent, nor to any person whose husband, wife, parent, child, guardian or employer may give him notice in writing, that such person has acquired, or is acquiring the habit of drinking to excess, and is being injured thereby, except as a medicine by druggists, as provided in section one of this act, and that he will pay all damages, actual and exemplary, that may be adjudged to any person for injuries inflicted upon them, either in person or property, or means of support, by reason of his selling, furnishing, giving or delivering any such liquors;

Now, the condition of this obligation is such that if said principal shall well and truly keep and perform all and singular the foregoing covenants and agreements, and shall pay any judgment for actual or exemplary damages which may be recovered against him in any court of competent jurisdiction, then this obligation shall be void and of no effect, otherwise the same shall be in full force and effect.

Signed and sealed in the presence of

.....
.....

..... [L. S.]
..... [L. S.]
..... [L. S.]

Bond to be approved.

When new bond may be required.

Such bond shall not be received unless the approval thereof by the township board or the board of trustees or common council of the village or city shall be duly certified thereon in writing, and the principal shall not be allowed to sell spirituous or fermented liquors in any other place than that specified in said bond, without giving notice and executing another bond in the manner above prescribed. Whenever any condition of said bond shall be broken, a new bond may be required by the county treasurer or the township board, the board of trustees or the common council of the village or city in which such bond was originally approved, and also in case of the death, insolvency, or removal of either of the sureties, and in any other contingency requiring it.

Approved May 31, 1879.

[No. 268.]

AN ACT to provide for the taxation of the business of manufacturing and selling spirituous and intoxicating, malt, brewed, or fermented liquors, and to repeal act number two hundred and twenty-eight of the session laws of eighteen hundred and seventy-five, approved May three, eighteen hundred and seventy-five, as amended by act one hundred and ninety-seven of the session laws of eighteen hundred and seventy-seven, approved May twenty-three, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That in all townships, cities, and villages of this state, there shall be paid annually the following tax upon the business of manufacturing, selling, or keeping for sale, by all persons whose business, in whole or in part, consists in selling or keeping for sale, or manufacturing distilled or malt liquors, or mixed liquors, as follows: Upon the business of selling or offering for sale, spirituous or intoxicating liquors, or mixed liquors, by retail, or any mixture or compound excepting proprietary patent medicines which, in whole or in part, consists of spirituous or intoxicating liquors, the sum of two hundred dollars per annum; upon the business of selling or offering for sale by retail, any malt, brewed, or fermented liquors, sixty-five dollars per annum; upon the business of selling brewed or malt liquors at wholesale, or at wholesale and retail, one hundred and thirty dollars per annum; upon the business of selling spirituous or intoxicating liquors at wholesale, or at wholesale and retail, four hundred dollars per annum; upon the business of manufacturing brewed or malt liquors for sale, if the quantity manufactured be less than fifteen hundred barrels, sixty-five dollars per annum, and twenty-five dollars upon each additional thousand barrels, or part thereof; upon the business of manufacturing for sale spirituous or intoxicating liquors, four hundred dollars per annum. No person paying a tax on spirituous or intoxicating liquors, under this act, shall be liable to pay any tax on the sale of malt, brewed, or fermented liquors. No person paying a manufacturer's tax on brewed or malt liquors, under this act, shall be liable to pay a wholesale dealer's tax on the same.

Tax on sale and manufacture of liquor provided for.

Amount of tax.

SEC. 2. Retail dealers of spirituous or intoxicating liquors, and brewed, malt, and fermented liquors, shall be held and deemed to include all persons who sell by the drink, and in quantities of five gallons or less, or one dozen quart bottles or less, at any one time, to any person or persons. Wholesale dealers shall be held and deemed to mean and include all persons who sell or offer for sale such liquors and beverages in quantities of more than five gallons, or more than one dozen quart bottles, at any one time, to any person or persons. No tax imposed under this act shall be required from any person for selling any wine or cider made from fruits grown or gathered in this state, unless such wine or cider be sold by the drink as other beverages are. The keeping or storing of spirituous liquors by a person or persons who has paid a tax on the business of selling or keeping for sale, malt, brewed, or fermented

Who deemed retail dealers.

Wholesale dealers

Wine and cider not retailed exempt.

Storing of spirituous liquors by certain persons evidence of selling.

liquors only, on the premises where such business of selling or keeping for sale, malt, brewed, or fermented liquors is carried on, shall be deemed and held to be *prima facie* evidence of the keeping the said spirituous liquors for sale within the meaning of this act. The provisions of this act shall not apply to druggists who sell liquors for chemical, scientific, medical [medicinal], mechanical, or sacramental purposes only, and in strict compliance with law: *Provided*, That such druggists shall, on or before the first Monday in May in each year, or before commencing business, execute and file with the county treasurer a bond to the people of the state of Michigan, in the penal sum of three hundred dollars, with two good and sufficient sureties, to be approved by the said treasurer, or the township board of the township, or the board of trustees, or the common council of the village or city in which such druggists carry on their business, which shall be substantially as follows:

Act not to apply
to certain
druggists.

Proviso.

Bond of drug-
gist.

Know all men by these presents, that we, _____, as principal, and _____ and _____ as sureties are held and firmly bound unto the people of the state of Michigan in the sum of three hundred dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this _____ day of _____, 18...

WHEREAS, The aforesaid named principal (or principals) professes to carry on the business of a druggist at _____, in the county of _____, state of Michigan.

AND WHEREAS, The said principal hath covenanted and agreed as follows, to wit: That he will not directly or indirectly, by himself, his agent, clerks or servant at any time, sell, furnish, give or deliver any spirituous or intoxicating liquors, or any wine, beer or malt liquors, or any mixture or compound, or any mixed liquors a part of which is spirituous or intoxicating, to any person except for medicinal, mechanical, chemical, scientific or sacramental purposes during the year ending on the first Monday of May following the giving of this bond.

Now therefore, the condition of this obligation is such that if the said _____ shall not sell, furnish, give or deliver any spirituous or intoxicating liquor, or any wine, beer or malt liquor, or any mixture or compound, or any mixed liquor, a part of which is spirituous or intoxicating to any person except for medicinal, mechanical, chemical, scientific or sacramental purposes, then this obligation shall be void, otherwise of full force and virtue, and the full sum of three hundred dollars shall be collected and paid thereon.

Witnesses, _____ [L. S.]
_____ [L. S.]
_____ [L. S.]

I approve of _____ and _____ as sureties in the foregoing bond.

County Treasurer.

And the prosecuting attorney, of any county in this state, is

required whenever he believes that the conditions of any such bond in his county has been violated, to bring a suit upon such bond, in a court of competent jurisdiction, and it shall be his duty when complaint on oath is made to him, that the condition of such bond has been violated, giving the time and place of such violation, and the circumstances attending the same, to prosecute said bond. And said penalty, when collected, shall be placed to the credit of the fund designated in section eight of this act.

Prosecuting attorney to bring suit for violation of bond.

SEC. 3. Every person engaged in or intending to engage in any business named in section one of this act, and requiring the payment of any tax mentioned in said section one, shall on or before the first Monday in May in each year, make and file with the county treasurer, in the county where it is proposed to carry on such business, a statement in writing and on oath, showing the name and residence of such person, the ward, village or township in which it is proposed to carry on such sale, or manufacture, and the nature of the business which such person is engaged in, or is intending to engage in; and shall on or before the first Monday in May in each year, pay to the said county treasurer, in advance, the taxes required by said section one for such business, for the year commencing on said first Monday of May, and ending on the first Monday of May next thereafter.

Statement on oath to be filed, by persons selling liquor.

When tax to be paid.

SEC. 4. Any person engaged in any such business, after the first Monday in May in each year shall, before commencing such business, make and file the like statement on oath, as is provided for in section three of this act, and pay in advance to said county treasurer a *pro rata* portion of the yearly tax on such business, as provided in said section one, for the remainder of the year ending on the first Monday of May next ensuing; and in computing the time of such fractional part of a year for which a tax is demanded, the tax shall commence on the first Monday of that month in which said business shall commence. But no tax shall be less than one-fourth part of the yearly tax.

Tax for fractional part of year.

SEC. 5. On receiving the tax provided for in this act, the county treasurer shall give a receipt for the money so paid, to the person or persons of whom the same shall be received, in which receipt the name of the person or persons paying the tax shall be named, the amount of the tax, and the time for which it was paid, the city, village or township in which the business is to be conducted, and the kind of business for or on account of which the tax was paid; and also a notice printed on full size printer's card board, and in as large letters as practicable, which notice shall contain a statement of what tax has been paid by the holder of said notice and the penalty for selling liquors of a class different from that for which the tax has been paid, and that ten dollars costs will be paid to the person making complaint upon the conviction of the offender, and that complaint may be made to any justice of the peace or police justice, and before commencing or doing any business for the time for which such tax is paid, and the receipt is given, the same shall be posted up, and at all times displayed in a conspicuous place in the room or place where the sale of the liquors or bev-

Receipt for tax.

Notice to be displayed.

Penalty for selling liquor without displaying notice.

Auditor general to prepare printed blanks.

Penalty for selling liquor without complying with provisions of act.

Each day's violation of act deemed new violation.

Business not to be enlarged or extended.

erages named in this act, and for which the tax was paid, is carried on, so that such receipt and notice shall be displayed in a conspicuous manner to all persons visiting or frequenting such room or place; and any person or persons who shall carry on any business or sell any liquors or beverages, for which a tax is required to be paid by this act, without having such receipt and notice posted up and displayed at all times in the place where such business or sale is or are carried on, shall be deemed guilty of a misdemeanor, and shall be subject to the same fine and punishment as is provided in this act for the neglect or refusal to pay the tax required by this act. And it shall be the duty of the auditor general to prepare printed blank receipts and notices conforming to the provisions of this act, and to furnish the same in proper quantities to the several county treasurers of the state. And no county treasurer shall issue any such receipt or notice until the tax specified herein shall be paid in full.

SEC. 6. If any person or persons shall engage or be engaged in any business requiring the payment of a tax, under section one of this act, without having paid in full the tax required by this act, and without having the receipt and notice for such tax posted up as required by this act, or shall in any manner violate any of the provisions of this act, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and by imprisonment in the county jail not less than ten nor more than ninety days, in the discretion of the court. And for each and every day in which any person or persons shall be engaged in any such business without payment of the tax herein required, and without posting of the receipt and notice as herein provided, he shall be deemed guilty of a new, separate and distinct violation of this act, and shall be punished therefor as above provided. And any person or persons who shall have paid a tax under the provisions of this act, and who shall thereafter extend or enlarge his [said] business, or do any act or thing contrary to the provisions of this act, or do anything requiring the payment of a larger tax, without having paid to the county treasurer such enlarged tax and posting the receipt and notice as required by this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished as herein provided. Any person or persons who have paid the tax provided herein upon the business of selling or keeping for sale, malt, brewed or fermented liquors, and have not paid the tax provided herein, upon the business of selling or keeping for sale spirituous or intoxicating liquors, who shall sell or keep for sale any spirituous or intoxicating liquors, or mixed liquors, or any mixture or compound which in whole or in part consists of spirituous or intoxicating liquors, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined ninety dollars or imprisonment in the county jail for the period of three months, or both such fine and imprisonment, in the discretion of the court; and ten dollars costs shall be adjudged in addition to the other costs; and

upon the collection of the fine and costs provided herein, the ten dollars costs shall be paid to the person making the complaint.

SEC. 7. It shall be the duty of the supervisors or other officers whose duty it is to make assessments in townships, wards, villages, or cities, to report in writing to the county treasurer, within the first five days of each and every month, the names and residence of every person within his township, ward, village or city, violating this act. And such supervisor or other assessing officer shall receive for such services, the sum of two dollars per day while actually and necessarily employed in such business, and mileage at the rate of ten cents per mile for the distance actually and necessarily traveled in going to notify such county treasurer, which fees shall be paid by the township, village or city for which said services were rendered.

Supervisors to report in writing to county treasurer violation of act.

Fees of supervisors, etc.

SEC. 8. All moneys paid to any county treasurer under the provisions of this act, after deducting his fees as herein provided, shall be by him placed to the credit of the contingent fund of the township, village or city from which the same was collected, and shall be by such county treasurer paid over, on demand, to the treasurer of such township, village or city, and the said moneys so paid shall be by such township, village or city, applied as other contingent funds. The county treasurer shall receive and retain one-half of one per cent on all moneys paid to him, as a recompense in full for all his services rendered under the provisions of this act.

Money to be placed to contingent fund and paid on demand to treasurer of township, village, etc.

SEC. 9. It shall be the duty of every county treasurer, sheriff, deputy sheriff, police officer or other person having notice or knowledge of any violation of the provisions of this act, to immediately notify the prosecuting attorney of the county thereof, and it shall be the duty of such prosecuting attorney forthwith to prosecute every person violating any of the provisions of this act, and for each and every violation thereof.

Notice to prosecuting attorney of violation of act.

SEC. 10. It shall be the duty of each and every county treasurer, at the end of each and every month, to make a full and complete report, under oath, containing the names of each and every person or persons in his county paying a tax during said month, under the provisions of this act, stating therein the residence of such person or persons, the nature of the business in which such persons are engaged, the place of doing business, the amount of tax paid and the date of payment of the same, and file such statement with the clerk of his county; and such county treasurer shall also, on or before the first day of December, in each year, make a full and complete report of all the facts, as shown by said reports, and return the same to the auditor general, and publish the same in some newspaper published in his county, if there be one, and in two if there be two. All blanks required to carry into effect the provisions of this act shall be prepared and furnished by the auditor general to the county treasurers, and by them to the township, village and city officers.

Monthly report to be made by county treasurer

Where filed.
Annual report to auditor general.

Publication of report.

Auditor general to furnish blanks.

SEC. 11. In case any assessor, county treasurer, prosecuting

Penalty for will-
ful neglect by
officer to perform
duty.

attorney or other officer whose duty it is to see that the provisions of this act are faithfully enforced, shall willfully neglect or refuse to perform his duty under the provisions of this act, he shall be liable to a penalty of one hundred dollars for each and every offense, and the governor may, in case of such neglect or refusal, appoint some other person or persons to perform the duties prescribed by this act, who shall, upon being so appointed, have like powers and duties, and receive the same fees, under this act, as such assessor, treasurer, prosecuting attorney or other officer, as the case may be; and in case of the appointment of any person in place of the prosecuting attorney, to prosecute for violation of this act, in any county, the board of supervisors shall allow and pay to such prosecutor a reasonable compensation for all services performed by him as such prosecutor.

Acts repealed.

SEC. 12. Act number two hundred and twenty-eight of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five, and act number one hundred and ninety-seven of the session laws of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, are hereby repealed.

Approved May 31, 1879.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION authorizing the issuing of patent to Ransler Blackmer for certain school lands in Genesee county.

WHEREAS, Ransler Blackmer of Vassar, Tuscola county, Michigan, has made satisfactory proof that he is the undisputed holder and owner of primary school land certificate of the State of Michigan, number five thousand nine hundred and seventy-three (5973) for the southwest quarter of the northeast quarter of section sixteen (16), Vienna, Genesee county, Michigan, which said certificate was on the twenty-ninth day of March, in the year of our Lord, eighteen hundred and fifty-five, issued by the commissioner of the state land office to James C. Decker, who, on the twenty-ninth day of December, in the year of our Lord, eighteen hundred and sixty, assigned the same to Robert S. Bostwick, and which said certificate by reason of several assignments has become the property of said Ransler Blackmer, who has made proof of the payment to the state of the interest due on said certificate up to the present year, and that said Ransler Blackmer, and the parties under whom he holds have been in possession of said premises since the year eighteen hundred and sixty, and that he and his tenants under him have made valuable improvements on said premises, he in good faith believing himself to be the owner of said premises, and entitled to a patent on said certificate on payment of the principal and interest due the state for the same;

AND WHEREAS, The said Ransler Blackmer has made proof that he is equitably entitled to have a patent issued to him for said land on said certificate, on payment of the principal and interest due the state for the same, yet no patent can issue to him on account of defects in matter of form in the assignments of said certificate by the several parties who held the same after the assignment of said James C. Decker and before the same was purchased by and assigned to said Ransler Blackmer, which said assignments cannot be corrected or perfected in consequence of the death of some of the assignors and of the removal of others to parts unknown; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor of this state be and is hereby authorized to sign and cause to be issued to Ransler Blackmer a patent for the lands described in said certificate whenever the same shall be presented to him with the certificate of

the commissioner of the state land office that the principal and interest and all taxes and charges levied upon said lands have been paid.

This resolution shall take immediate effect.

Approved January 29, 1879.

[No. 2.]

JOINT RESOLUTION for the prevention of adulteration of honey.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be respectfully requested to use their influence for the passage of the bill now pending before congress prohibiting the adulteration of honey.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress.

Approved January 30, 1879.

[No. 3.]

JOINT RESOLUTION asking congress for an appropriation for the establishment of lighthouse upon the point known as Whalesback, on Green bay, in the state of Michigan.

WHEREAS, The lives of seamen are constantly imperilled and often lost, and the destruction of property very great from the want of a lighthouse upon the point known as Whalesback, on Green bay, in the state of Michigan; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be and hereby are requested to ask the congress of the United States to pass a law for the establishment of a lighthouse upon the point known as Whalesback, on Green bay, in this state.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing preamble and resolution to each of our senators and representatives in congress.

Approved January 31, 1879.

[No. 4.]

JOINT RESOLUTION relating to the tariff on sugar.

WHEREAS, an increase of the duties on low grades of sugar, as recommended by the ways and means committee of the House of Representatives in Congress, would greatly cripple if not destroy the sugar refining interests of the United States, and thereby cut off the market for the sale of cooperage material of which the people of Michigan now furnish a larger supply than any other state of the union; be it, therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in Congress be, and are hereby requested

to use all honorable means to prevent any increase of the duties now imposed upon low grade sugars.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing resolution to each of our senators and representatives in Congress.

Approved January 31, 1879.

[No. 5.]

JOINT RESOLUTION asking congress for an appropriation to provide a harbor of refuge at Mackinac island, in the straits of Mackinac, by the construction of breakwaters.

WHEREAS, The importance of the shipping interests on the great lakes demand a liberal provision for its protection and security against the violent storms prevalent during certain seasons of the year;

AND WHEREAS, The straits connecting lakes Huron and Michigan present many advantages for a harbor of refuge, and is easy of access;

AND WHEREAS, Mackinac harbor affords, to a great degree, an accessible point for vessels and other water-craft seeking shelter from [the] storms, but is inadequate to afford the protection that the large and increasing commerce passing the straits requires, and its usefulness for that purpose being greatly impaired by the gradual washing away of Biddle's and Mission points;

AND WHEREAS, The construction of breakwaters at Biddle's and Mission points of the island of Mackinac would provide a very desirable harbor for the protection and security of navigation, and would be more convenient and accessible than almost any other point on the lakes; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use all honorable means to procure the necessary appropriation to provide a harbor of refuge at the island of Mackinac, Mackinac county, Michigan, by the construction of suitable breakwaters on Biddle's and Mission points of said island of Mackinac.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing preamble and resolutions [resolution] to each of our senators and representatives in congress.

Approved January 31, 1879.

[No. 6.]

JOINT RESOLUTION for the prevention of the adulteration of sugar.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be respectfully requested to use their influence for the passage of a law by congress to prohibit the adulteration of sugar.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress.

Approved February 15, 1879.

[No. 7.]

JOINT RESOLUTION to aid in securing homestead rights to settlers upon certain so-called railroad lands in the counties of Allegan, Ionia, Kent, Muskegon and Ottawa, in the state of Michigan.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed and our representatives be respectfully requested to oppose any and all legislation by Congress conveying or confirming the title of the United States in and to the so-called railroad lands in the counties of Allegan, Ionia, Kent, Muskegon and Ottawa to any railroad company, corporation, individual or individuals which shall not in express terms reserve homestead rights to all persons who have been actual residents upon any of said lands two or more years: *Provided,* That nothing herein contained shall be construed as admitting that the United States has any title to, or right in, or power to transfer, or convey said lands or any portion thereof.

Resolved, That his excellency, the governor, be respectfully requested to transmit a copy of this resolution to each of our senators and representatives in Congress.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved February 18, 1879.

[No. 8.]

JOINT RESOLUTION asking congress for an appropriation for the improvement of the channel of lake St. Clair, at the mouth of Clinton river, and for the dredging of the channel of said river.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use all honorable means to procure the necessary appropriation for the improvement of the channel at lake St. Clair at the mouth of [the] Clinton river, and for the dredging of the channel of said river at certain points where the same is necessary, and to restore and maintain the lighthouse at the mouth of said river.

Resolved, That the governor be and hereby is requested to transmit a copy of the foregoing resolutions to each of our senators and representatives in congress.

Approved February 21, 1879.

[No. 9.]

JOINT RESOLUTION for the relief of Hiram A. Sweet, publisher of the Journal, at Sturgis, St. Joseph county.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general is hereby authorized to pay to Hiram A. Sweet, such sums of money as shall be determined by the auditor general to be due to the said Hiram A. Sweet, for publishing the list of lands to be advertised for sale

for taxes in the county of St. Joseph, at the general tax sales in October, 1878, the same as if he had mailed to each county treasurer a copy of the second number of his paper, containing such statement, and the same as if he had forwarded to the auditor general an affidavit stating such publication, within thirty days after the last publication thereof.

Approved February 21, 1879.

[No. 10.]

JOINT RESOLUTION relative to the abolition of polygamy in the United States.

WHEREAS, That relic of barbarism, to wit: polygamy, is still tolerated in the territory of Utah, one of the territories of the United States;

AND WHEREAS, The said territory of Utah will probably apply for admission into the Union during the present or next session of the Congress of the United States; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in Congress be instructed to use all honorable means to make the abolition of polygamy a condition precedent to the admission of the said territory into the Federal Union; and

Be it further resolved, That his excellency, the governor, be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in Congress.

Approved March 10, 1879.

[No. 11.]

JOINT RESOLUTION for the relief of the Chicago and Lake Huron railroad company.

WHEREAS, The Chicago and Lake Huron railroad company has been for a number of years laboring under great financial embarrassments and involved in extensive litigation, and in consequence of said embarrassments and litigation, were unable to pay, when due and payable, the specific taxes levied by the state upon said railroad corporation, thereby subjecting said corporation to the payment of a penalty;

AND WHEREAS, Said railroad, on account of the financial embarrassments of said corporation, has been placed under the control of a receiver;

AND WHEREAS, The present receiver, under great difficulties, has lately paid all the taxes levied by the state upon said company or corporation, with all the interest thereon, amounting to about thirty-eight thousand dollars, said penalty still remaining unpaid; therefore,

Be it Resolved by the Senate and House of Representatives, That the penalty incurred by the non-payment of said taxes by said corporation be and is hereby remitted, and said railroad company relieved from the payment of the same, and the auditor general and state treasurer are required to cancel the same upon the books of their respective offices.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Received at the Executive office March 11, 1879.*

[No. 12.]

JOINT RESOLUTION for the relief of the heirs at law of John Bevins, deceased, to wit: George W. Bevins, Celia Donaldson, Nettie Adams, and Arvilla H. Davis, residents of Kent county, Michigan.

WHEREAS, The southwest quarter of the northwest quarter of section sixteen in town nine north of range nine west, in Kent county, Michigan, was purchased from the state of Michigan by Harry Osgood by primary school land certificate number six thousand one hundred and fifteen, as appears from the records of the office of the state land commissioner; said certificate being subsequently assigned by said Harry Osgood to John Bevins, since deceased;

AND WHEREAS, Said Harry Osgood and John Bevins made certain valuable improvements on said lands;

AND WHEREAS, Said lands were forfeited to the state by non-payment of interest due to the state, said forfeiture occurring November fifteenth, in the year of our Lord, eighteen hundred and seventy-seven, by reason of the carelessness of the agent of the heirs of said John Bevins, deceased, who were the undisputed owners of said land certificate at said date;

AND WHEREAS, Said lands were resold by the commissioner of the state land office, on the twenty-fourth day of November, in the year of our Lord eighteen hundred and seventy-seven, to Edward W. Sparrow for the sum of five hundred and sixty dollars, being four hundred dollars for the improvements made on said lands by the previous occupants as aforesaid, and one hundred and sixty dollars the legal price of said lands, by primary school land certificate number twelve thousand and four, dated November twenty-fourth, eighteen hundred and seventy-seven, as appears from the records of the land office aforesaid; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and are hereby instructed to examine the aforesaid matter and allow to the heirs at law of John Bevins, deceased, aforesaid, so much of the aforesaid sums as they shall find justly and equitably due them from the state, and for such sum so allowed by said board the auditor general is hereby instructed to draw his warrant on the state treasurer; and the treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved March 13, 1879.

* Became a law under section 14, article IV., of the constitution, without the approval of the governor.

[No. 13.]

JOINT RESOLUTION asking congress to make an appropriation for the improvement and deepening of St. Mary's river, so as to admit the passage of vessels of the same draught of water as will be allowed by the St. Mary's Falls ship canal when the new lock or canal now in course of construction is completed.

WHEREAS, The United States has for a number of years been engaged in the construction of a new canal and locks at the falls of St. Mary's river that will, when completed, allow the passage of much larger vessels than have heretofore been able to reach lake Superior;

AND WHEREAS, The Canadian government, in view of the near completion of said improvement, have expended a large amount in removing obstructions from that portion of St. Mary's river lying within the Dominion of Canada that is usually used by vessels;

AND WHEREAS, The new canal will, when completed, be unavailable for the class of vessels it is designed to accommodate until that portion of the river lying within the United States is sufficiently deepened and enlarged to admit of their safe passage;

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators are hereby instructed and our representatives are requested to use all proper means to secure an appropriation by congress of a sufficient amount to deepen and improve the St. Mary's river so as to admit the passage of vessels of the same draught as will be allowed by the new canal when completed.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing preamble and resolutions to each of our senators and representatives in congress.

Approved March 15, 1879.

[No. 14.]

JOINT RESOLUTION asking congress for an appropriation in money to preserve improvements already made, and complete necessary improvements of the harbor of Saugatuck, in the county of Allegan and state of Michigan.

WHEREAS, Congress has heretofore made appropriations for the improvement of the harbor at Saugatuck, in the county of Allegan, Michigan, which appropriations have aided materially in making said Saugatuck an important shipping port on lake Michigan;

AND WHEREAS, The proper officers of the United States government, having charge of the lake harbor improvements, have heretofore officially reported that a harbor, second to none, can be made at Saugatuck, and by reason of such reports very nearly one hundred thousand dollars have been expended at different times;

AND WHEREAS, By reason of the improvements of the said harbor at Saugatuck, and the commercial interests promoted thereby, the said Saugatuck is now an important shipping port, having a custom house, and is the outlet for the products of an enterprising and growing section of country, the prosperity of which largely depends upon the shipping facilities;

AND WHEREAS, The citizens of Saugatuck and vicinity have contributed liberally in aid of said improvement;

AND WHEREAS, Said harbor of Saugatuck is greatly in need of further appropriations to preserve the government work already there, and to dredge out bars that exist in said harbor, and to further improve the same;

AND WHEREAS, By delay the cost of repairing is increasing, and entrance to said harbor more hazardous; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their best endeavors to obtain an appropriation of money sufficient to not only protect the work already there, but to make efficient one of the best harbors on the east shore of lake Michigan; the said money [moneys] to be expended under the immediate direction of an officer of the United States government detailed for that purpose.

Resolved, That his excellency the governor, be requested to transmit copies of the foregoing preamble and resolutions to each of our senators and representatives in congress.

Approved March 20, 1879.

[No. 15.]

JOINT RESOLUTION asking congress for an appropriation for the establishment of a lighthouse at the mouth of the Monistique river on the north shore of lake Michigan.

WHEREAS, The safety of property and the lives of seamen are greatly imperilled from the want of a lighthouse at the mouth of the Monistique river, on the north shore of lake Michigan, in the state of Michigan, there being no lighthouse within forty-five miles of that point;

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be and are hereby requested to ask the congress of the United States to pass a law for the establishment of a lighthouse at the mouth of the Monistique river, on the north shore of lake Michigan, in this state.

Resolved, That the governor be and hereby is requested to transmit a copy of the foregoing resolutions to each of our senators and representatives in congress.

Approved April 1, 1879.

[No. 16.]

JOINT RESOLUTION authorizing the issuing of a patent to Trueman Ramsey for certain primary school lands in Hillsdale county.

WHEREAS, Trueman Ramsey, of Ransom, Hillsdale county, Michigan, has made satisfactory proof that he is the undisputed holder and owner of primary school land certificate of the state of Michigan, number three thousand and eighty-nine, for the northwest quarter of the southwest quarter of section sixteen, in township number eight south, of range number two west, being in Ransom,

Hilledale county, Michigan, which said certificate was on the twenty-sixth day of November, one thousand eight hundred and fifty, issued by the commissioner of the state land office to James Schermerhorn, who, on the ninth day of July, one thousand eight hundred and fifty-seven, assigned the same to Algernon S. Schermerhorn, and which said certificate, by reason of several assignments, has become the property of the said Trueman Ramsey, who has made proof of the payment to the state of the interest, taxes and charges on said certificate up to the sixteenth day of October, one thousand eight hundred and seventy-seven, at which date the said Trueman Ramsey paid the principal due on said certificate, and received a certificate from the commissioner of the land office entitling him to a patent for the land described in said certificate, and that said Truman Ramsey and the parties under whom he holds have been in possession of said premises since the ninth day of December, one thousand eight hundred and sixty-two, and that he and his tenants have made valuable improvements on said premises, he, in good faith, believing himself to be the owner of said premises, and entitled to a patent on said certificate on payment of principal and interest due the state on the same;

AND WHEREAS, The said Trueman Ramsey has paid all claims against said certificate, and received a certificate from the commissioner of the state land office therefor, yet that no patent can issue to him, on account of defects in matter of form in the assignments of said certificate by the several parties who held the same after the assignment of the said certificate by James Schermerhorn, aforesaid, and before the same was purchased by and assigned to the said Trueman Ramsey, which said assignment cannot be corrected or perfected in consequence of the death of some of the assignees, and the removal of others to parts unknown; therefore,

Resolved, by the House of Representatives of the State of Michigan (the Senate concurring), That the governor of this state be and is hereby authorized to sign and to cause to be issued to Trueman Ramsey a patent for the lands described in said certificate, whenever the same shall be presented to him, with the certificate of the commissioner of the state land office that the principal and interest and all taxes and charges levied against said lands have been paid.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved April 1, 1879.

[No. 17.]

JOINT RESOLUTION authorizing the issuing of a patent to William Butters, for certain school lands in Jackson county.

WHEREAS, William Butters, of Pulaski, Jackson county, Michigan, has made satisfactory proof that he is the undisputed holder and owner of primary school land certificate of the state of Michigan, number one thousand six hundred and ninety-seven, for the southwest quarter of the southeast quarter of section sixteen in said township of Pulaski and county of Jackson and state of Michigan, which said certificate was on the twenty-fifth day of August, in the year of our Lord eighteen hundred and forty-five, issued by the commissioner of the state land office to Warren T. Hecox, and which said certificate has at different times been assigned to different persons without proper acknowledgment or witnesses,

by the several holders thereof,—several of said assignors being now deceased,—which said certificate is now the property of said William Butters, who has made proof of the full payment to the state of both principal and interest due on said certificate, and that said William Butters and the parties under whom he holds, have had continued possession of said lands since the year A. D. eighteen hundred and forty-five, and that he, the said William Butters, and the others under whom he holds, have made valuable improvements on said lands, and having fully complied with the requirements of the law by the payment of the principal and interest due the state on said certificate, yet on account of defects in matters of form of the several assignments, and the death of several assignors, no patent can be issued to him for said lands from the state land office; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor of this state be and is hereby authorized to sign and cause to be issued to William Butters a patent for the lands described in said certificate.

This resolution shall take immediate effect.

Approved April 1, 1879.

[No. 18.]

JOINT RESOLUTION for the due protection of settlers under the general homestead law in the counties of Oceana, Mason, Charlevoix, and Emmet, in this state.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be respectfully requested to use their influence and best endeavors, by legislation or other appropriate means, to secure to all *bona fide* settlers under the general homestead law in the counties of Oceana, Mason, Charlevoix, and Emmet, in this state, their full legal and equitable rights under said law, and a speedy settlement of all pending questions relating thereto.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress.

Approved April 14, 1879.

[No. 19.]

JOINT RESOLUTION authorizing the issuing of a patent to Henry Patton for certain lands in Mecosta county, granted to him by settler's license number four thousand nine hundred and ninety, in accordance with act number one hundred and eight of the session laws of eighteen hundred and sixty-one, approved March seventh, eighteen hundred and sixty-one.

WHEREAS, Henry Patton, of Wheatland, Mecosta county, has made satisfactory proof that he is the undisputed holder and owner of settler's license number four thousand nine hundred and ninety, for the north half of the northwest quarter of section fifteen, town fourteen north, of range seven west, containing eighty acres of land in said township of Wheatland, county of

Mecosta and state of Michigan, which said certificate was, on the twenty-sixth day of September, eighteen hundred and sixty-seven, issued by the commissioner of the state land office to said Henry Patton, who has made proof of the full payment to the state of all money due thereon, and proof required under act number one hundred and eight, approved March seventh, eighteen hundred and sixty-one, and is now and has been in possession of said land since said twenty-sixth day of September, eighteen hundred and sixty-seven, and has made valuable improvements on said land;

AND WHEREAS, The said Henry Patton is entitled to have a patent issued to him for said land on said certificate, but the commissioner of the land office has neglected so to do for the reason that on the seventh day of November, eighteen hundred and sixty-seven, said lands appear to have been sold and patented to one George S. Frost, according to the record of said office, yet without any shadow of law, right, or explanation therefor; the said Frost having been required by the said commissioner of the state land office to return to him for cancelation the patent heretofore erroneously issued to him, as aforesaid, for said land, but neglected to comply with said request; therefore

Resolved by the Senate and House of Representatives of the state of Michigan, That the governor of this State be and is hereby authorized to sign and cause to be issued to Henry Patton, a patent for the north half of the northwest quarter of section fifteen, town fourteen north of range seven west, containing eighty acres of land granted to him by settlers' license number four thousand nine hundred and ninety, in accordance with act number one hundred and eight of the session laws of eighteen hundred and sixty-one, approved March seventh, eighteen hundred and sixty-one, whenever the said certificate shall be presented to him with certificate of the commissioner of the state land office that said Patton has conformed to the requirements of law as appears from the records of his office, and that all taxes and charges levied upon said land have been paid.

Resolved, That this joint resolution shall be in full force from and after its passage.

Received at the executive office April 24, 1879.*

[No. 20.]

JOINT RESOLUTION requesting our senators and representatives in congress to oppose the enactment of any law limiting the jurisdiction of the courts of the United States in proceedings against municipal corporations of any state, by the citizens of another state.

WHEREAS, The general assembly of the state of Alabama, as appears by a communication from the governor of this state, have passed certain preambles and a joint resolution, requesting the senators and representatives in congress, of the said state of Alabama, to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in proceedings against municipal corporations in the several states, by the citizens of other states;

WHEREAS, It is believed that in times of local excitement or prejudice, it is

* Became a law under section 14, article IV., of the constitution, without the approval of the governor.

of the utmost importance that the rights of citizens of the United States should be determined in tribunals of a sovereignty common to all the parties to the controversy;

AND WHEREAS, The legislature of the state of Michigan are unwilling to assume that the courts of the United States will fail to render equal and exact justice to any citizen or aggregation of citizens or that the judicious exercise of such jurisdiction should lead to any conflict between federal and state authorities;

AND WHEREAS, The legislature of the state of Michigan rejoice with the legislature and people of other states at the increasing reverence throughout the land for the form of government established by the fathers, and believe that the legislation asked will contravene the principles and spirit as well as the form of that government; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be and they are hereby requested to oppose the enactment of any laws to prevent the exercise of jurisdiction by the courts of the United States in proceedings against municipal corporations of any state by citizens of another state.

Be it further resolved, That the governor of this state be requested to forward copies of the foregoing resolution to each of our senators and representatives in congress, and to the general assembly of the state of Alabama, and to the governors of the several states.

Approved April 28, 1879.

[No. 21.]

JOINT RESOLUTION authorizing the governor to cause an annual inspection of the Michigan military academy, to commission the officers of the institution, and to appoint its graduates as brevet second lieutenants in the state militia.

WHEREAS, The general government has recognized the Michigan military academy at Orchard lake, by detailing an officer of the regular army as one of its professors, and by supplying it with a full equipment of arms, ammunition, and camp equipage;

AND WHEREAS, The teaching of military science and tactics to the young men of this state will materially aid in the instruction and efficiency of its militia; therefore,

Be it Resolved by the Senate and House of Representatives of the State of Michigan, That the governor shall cause an annual inspection to be made of the discipline, courses of study, and general management of this institution; and further be it

Resolved, That the graduates of this academy shall be eligible to appointment as brevet second lieutenants in the state troops, and may be commissioned and assigned to companies, at the discretion of the governor, upon the recommendation of the inspecting officers, not to exceed one to each company: *And further,* The governor is authorized to appoint and commission the superintendent as colonel, and the military professor, quartermaster, and surgeon, each as majors in the state troops.

Approved May 1, 1879.

[No. 22.]

JOINT RESOLUTION authorizing the adjutant general to compile and publish in one report, the service of the Michigan regiments in the war for the suppression of the rebellion.

Resolved by the Senate and House of Representatives of the State of Michigan, That the adjutant general be and he is hereby authorized and required to compile a report in one volume, from the reports in his office, and on file in the war department at Washington, of the services of Michigan regiments, batteries and companies in the late war; said report to be printed and published the same as other state reports are printed and published. One thousand copies for the use of state officers, members of the legislature and officers of the same and of the several state boards, and five hundred copies for general distribution, as the governor may direct.

Approved May 3, 1879.

[No. 23.]

JOINT RESOLUTION asking congress to make an appropriation to improve the harbor at the mouth of the river Au Sable, in Iosco county.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use all honorable means to procure the necessary appropriation by the general government for the improvement of the channel of the Au Sable river, at and near its mouth, by dredging and the erection of piers and other works, for the protection of the banks of said river, and the confinement of the waters thereof within the said channel.

Resolved, That the governor be and is hereby requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress.

Approved May 7, 1879.

[No. 24.]

JOINT RESOLUTION asking congress for an appropriation of condemned cannon to aid in the construction of the Saratoga national monument.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their influence to procure an appropriation of condemned cannon to aid in the construction of the Saratoga national monument.

Resolved, That the governor be and he is hereby requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress.

Approved May 7, 1879.

[No. 25.]

JOINT RESOLUTION to amend section twelve of article thirteen of the constitution of the state of Michigan, relative to penal fines.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the state be and the same is hereby proposed, to stand as section twelve of article thirteen :

SEC. 12. The legislature shall also provide for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township, or the board of education of any city: *Provided,* That in no case shall such fines be used for other than library or school purposes.

Be it further Resolved, That said constitutional amendment shall be submitted to the people of this state at the annual election to be held on the first Monday in April, in the year eighteen hundred and eighty-one; and the secretary of state is hereby required to give notice of the same to the sheriffs of the several counties of this state, in the same manner that he is now required to do in case of an election of governor or lieutenant-governor; and the inspectors of elections in the several townships and cities in this state shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed, or partly written and partly printed, on his ballot the words, "Amendment relative to penal fines—Yes;" and each person voting against such amendment the words, "Amendment relative to penal fines—No." The ballots shall, in all respects, be canvassed, and returns be made as in elections of governor and lieutenant-governor.

Received at the executive office May 26, 1879.*

[No. 26.]

JOINT RESOLUTION directing the board of state auditors to settle claim made by Manning K. North, against the state of Michigan, for time, services and money expended by him, in recruiting and organizing the fourteenth regiment of Michigan infantry volunteers.

WHEREAS, Manning K. North claims that there is justly due him, from the state of Michigan, a sum of money for time, services and expenses expended by him in recruiting and organizing the fourteenth regiment of Michigan volunteer infantry, for which he has received no reimbursement or compensation; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized to investigate and examine said claim, and determine as to the same, and what amount if anything, is justly and equitably due and owing to said Manning K. North therefor, and said board is hereby authorized and empowered to settle

* Became a law under section 14, article IV., of the constitution, without the approval of the governor.

and adjust such claim and to allow said Manning K. North such sum as they shall find justly due him therefor.

This joint resolution passed the senate and house by two-thirds of all the members elect and ordered to take immediate effect.

Approved May 27, 1879.

[No. 27.]

JOINT RESOLUTION asking congress to enact a law equalizing the bounty of all soldiers who served in the union army during the war of the rebellion, and received an honorable discharge.

WHEREAS, Many soldiers enlisted in the early part of the war, into the union army, and received only a minimum government bounty, and by enlisting thus early rendered very efficient and timely aid, without which the government must have been destroyed and broken up;

AND WHEREAS, Other soldiers enlisting later received large state, municipal, and government bounties, and many of them were never sent to the front, not even leaving the state where they enlisted; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their best endeavors to procure the passage of a law equalizing the bounty of all union soldiers on a just and equitable basis.

Resolved, That his excellency the governor, be requested to transmit copies of the foregoing preamble and resolution to each of our senators and representatives in congress.

Approved May 27, 1879.

[No. 28.]

JOINT RESOLUTION authorizing and instructing the agricultural land grant board to adjust certain alleged irregular sales of agricultural college lands.

WHEREAS, By an act of the legislature, approved February twenty-fifth, in the year of our Lord one thousand eight hundred and sixty-three, the state of Michigan accepted a donation of public lands from the United States, to be used for the endowment of colleges for the benefit of agriculture and the mechanic arts;

AND WHEREAS, By a further act of the legislature, approved March eighteenth, in the year of our Lord one thousand eight hundred and sixty-three, the governor, auditor general, secretary of state, state treasurer, attorney general and commissioner of the state land office, were constituted and designated as the agricultural land grant board, with full power and authority to control and dispose of said lands;

AND WHEREAS, Said act further provided, that by direction of said land grant board, the commissioner of the state land office might sell said lands in the manner therein provided;

AND WHEREAS, The commissioner of the state land office has sold large

quantities of said lands without having obtained the formal or official direction of said land grant board to make such sales;

AND WHEREAS, It is alleged that all such sales are irregular;

AND WHEREAS, The lands thus sold are principally held or occupied by innocent parties, many of whom having made valuable improvements [improvement] thereon, whose rights and interests in the premises demand the protection of the state; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the agricultural land grant board be, and they are hereby authorized and instructed to examine into the matter of said alleged irregular sales of agricultural college lands, and to adjust and determine the same, and to confirm all such sales of said lands as shall appear to said board, to have been made in accordance with the terms and conditions of section number three (3) of said act, the same being section three thousand nine hundred and twenty-nine of the compiled laws of eighteen hundred and seventy-one;

And resolved further, That if the said board shall find that any of such sales of said lands shall have been made at a less price per acre than provided for in the section last referred to, then it is hereby made the duty of said board to elect whether they will receive from the purchaser or purchasers, or other party or parties holding under them, the full purchase price contemplated by the said section, and confirm such sales, or take such further measures as they shall deem proper for the protection of the interests of the state: *Provided, however,* That if any such sales are canceled, either by the action of said board or by the decree of any court of competent jurisdiction, then the amount of money to be refunded shall in no case exceed the amount received by the state, as principal, interest and taxes on the lands described in the particular sale so canceled: *Provided further,* That all settlers on lands so canceled, shall also have a valid claim against the state for all actual improvements;

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved May 28, 1879.

[No. 29.]

JOINT RESOLUTION proposing an amendment to the constitution of this state, to stand as section fifteen of article fourteen.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this state, be and the same is hereby proposed to stand as section fifteen of article fourteen.

SEC. 15. The legislature shall have power, upon such terms and conditions, and in such manner as it shall deem proper, to authorize the city of Detroit to aid in the construction and maintenance of a railroad bridge or tunnel across the Detroit river at or near said city, to an amount not exceeding one per centum of the assessed value of the taxable property in said city.

Resolved, That said constitutional amendment shall be submitted to the people of the state at the annual election to be held on the Tuesday succeeding the first Monday of November in the year eighteen hundred and eighty; and the secretary of state is hereby required to give notice of the same to the sheriffs of the several counties of this state, in the same manner that he is

now required to do in case of an election of governor or lieutenant governor; and the inspectors of elections in the several townships and cities of this state shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed, or partly written and partly printed on his ballot the words, "Amendment relative to a bridge or tunnel across the Detroit River,—Yes;" and each person voting against such amendment, the words "Amendment relative to a bridge or tunnel across the Detroit River,—No." The ballots shall in all respects be canvassed, and returns be made as in elections of governor and lieutenant governor.

Received at the executive office May 29, 1879.*

[No. 30.]

JOINT RESOLUTION to provide for refunding moneys expended by certain counties of the state of Michigan in the support of the insane soldiers at the asylums for the insane.

WHEREAS, Certain counties of this state have borne the expense of maintaining at the asylums for the insane, the soldiers of the war of the rebellion resident in such counties, instead of requiring that such expense be defrayed by the state, as provided in act number ninety-one of the session laws of eighteen hundred and seventy-three; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and are hereby authorized and instructed to audit and provide for paying the claims of any and all the counties of this state, for moneys expended by such counties respectively, for the support of insane soldiers of the war of the rebellion, at the asylum for the insane, since the fifteenth day of April, in the year of our Lord eighteen hundred and seventy-three, when the provisions of the act requiring that such soldiers should be supported by the state become operative. And the state treasurer is also hereby instructed to pay to said several counties respectively, out of the general fund, the amounts of the orders so drawn by the board of state auditors.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved May 29, 1879.

[No. 31.]

JOINT RESOLUTION authorizing the payment of compensation to the heir or heirs-at-law of Darius Clark, for services performed by him as agent of the state of Michigan, in the city of New York, during the late rebellion.

WHEREAS, Darius Clark, formerly of Marshall, in this state, but afterwards of the city of New York, and now deceased, was, on the first day of June, eighteen hundred and sixty-two, commissioned by Austin Blair, then governor

* Became a law under section 14, article IV., of the constitution, without the approval of the governor.

of Michigan, as a colonel in the militia of Michigan, and was thereupon appointed by the military authorities of the state, as its agent in said city, where he then resided, to attend and administer to the wants and necessities of such of our sick, wounded and otherwise disabled soldiers as had been or were then engaged in suppressing the late rebellion and protecting the integrity of the union, and might be in or passing through said city of New York;

AND WHEREAS, The said Darius Clark, as such agent, did faithfully and carefully attend to the needs, and administer to the comforts of such soldiers for nearly three years, and until the war was brought to a successful close;

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized and required to examine into said matter, and if in their opinion any compensation ought in equity and justice to have been paid to said Darius Clark, they shall then determine the amount of such compensation, and shall certify such amount to the auditor general, who shall draw his warrant for the same in favor of the heir or heirs-at-law of said Darius Clark, upon the state treasurer, who shall pay such warrant out of any money in the general fund not otherwise appropriated: *Provided*, That the receipt of said money by the person entitled thereto under this resolution shall be in full of all and every claim upon the state for such services: *Provided further*, That the full amount so paid shall not exceed the sum of three thousand dollars.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved May 29, 1879.

[No. 32.]

JOINT RESOLUTION extending the time for the completion of the Marquette, Houghton, and Ontonagon railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the time limited for the completion of the Marquette, Houghton and Ontonagon railroad be, and the same is hereby extended to January first, eighteen hundred and eighty-three.

Approved May 29, 1879.

[No. 33.]

JOINT RESOLUTION proposing an amendment to section one, article nine of the constitution of this state, relative to the salary of the governor.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this state be and the same is hereby proposed, to stand as section one of article nine.

SECTION 1. The governor shall receive an annual salary of three thousand dollars; the judges of the circuit courts shall each receive an annual salary of one thousand five hundred dollars; the state treasurer shall receive an annual salary of one thousand dollars; the auditor general shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall

receive an annual salary of one thousand dollars; the secretary of state shall receive an annual salary of eight hundred dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars; the attorney general shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase the salaries herein provided.

And be it further provided, That said amendment shall be submitted to the people of this state at the next general election to be held on the first Monday in April, eighteen hundred and eighty; and the secretary of state is hereby required to give notice of the same to the sheriffs of the several counties in this state in the same manner that he is now required to do in the case of an election of governor and lieutenant governor, and the inspectors of elections in the several townships and cities in this state shall prepare a suitable box for the reception of ballots cast for and against said amendment. Each person voting for said amendment shall have written or printed or partly written and partly printed, the words: "Amendment relative to the salary of governor,—Yes;" and each person voting against said amendment, the words: "Amendment relative to the salary of governor—No." The ballots shall in all respects be canvassed and returns be made as in election of governor and lieutenant governor.

SEC. 2. This joint resolution passed the senate and house by a two-thirds vote of all the members elect, and ordered to take immediate effect.

Received at the executive office May 30, 1879.*

[No. 34.]

JOINT RESOLUTION authorizing the board of state auditors to settle certain claims of Edward Smith against the state of Michigan, on account of certain land transactions in the county of Sanilac.

WHEREAS, On the sixth day of August, one thousand eight hundred and fifty-three, Alexander H. Redfield located at the general land office, Detroit, Michigan, the following United States lands, to wit: The north half of the northwest fractional quarter and the southwest quarter of the southwest quarter of section six, and the northwest quarter of the northwest quarter of section seven, all in town twelve north of range sixteen east, in the county of Sanilac, comprising one hundred and sixty-four and seventy-three one-hundredths acres, according to the United States survey, which said lands were located by said Redfield on account of William H. Imlay, for whom said Redfield was general agent;

AND WHEREAS, After such location, said lands were immediately occupied by said Imlay, until September twenty-eighth, eighteen hundred and fifty-three, when said lands having enured to the state as swamp lands, under the act of congress of September, eighteen hundred and fifty, said location was cancelled by the United States, and the warrants under which the same was made returned to said Redfield;

* Became a law under section fourteen, article IV., of the constitution, without the approval of the governor.

AND WHEREAS, On the fourteenth day of January, one thousand eight hundred and fifty-four, said Redfield applied to the state land office to purchase said lands, with certain other lands, amounting altogether to two hundred and eighty-four and seventy-three one-hundredths acres, but was unable to make such purchase by reason of the fact that the state had not at that time received the patent thereof from the United States, and thereupon said Redfield deposited in the state land office the sum of three hundred and fifty-six and eleven one-hundredths dollars, that being the purchase price of said lands, receiving from the commissioner a receipt therefor, which receipt stated that as soon as lists should have been received from the general government and confirmed, a title would be given by the state of Michigan to said Redfield. The money so deposited was the money of said Imlay, and was deposited by said Redfield for and on account of said Imlay. After receiving said receipt by his said agent, said Imlay continued in the occupancy of said lands, and the same were from that time taxed for all purposes, and the taxes paid by said Imlay and his successors. And the said Imlay thereafter conveyed his claim to the said lands, and all legal and equitable rights accruing under the acts of said Redfield in the premises, in such manner that the same came to the possession of Edward Smith, of Forester, Sanilac county, who was an innocent purchaser for a valuable consideration, on the faith of said receipt;

AND WHEREAS, The lands hereinbefore described were patented by the United States to this state on the twelfth of February, one thousand eight hundred and sixty-six, and were sold by the state without the knowledge of said Edward Smith, partly on March nineteenth, one thousand eight hundred and sixty-eight, to Albert Park, and the balance on December thirty-first, one thousand eight hundred and seventy-two, to William Harris; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be and they are hereby authorized to take proofs of the matters hereinbefore set forth, and of the liability of the state to said Edward Smith on account of the said transaction between the United States, the state of Michigan, the said Redfield, the said Imlay and the said Edward Smith, and any intermediate parties, and to that end the said board of auditors is hereby authorized to examine into all facts relating to or tending to throw light upon the statements hereinbefore set forth, and upon proof satisfactory to them of any such liability, the said board is hereby authorized to allow to said Edward Smith such sum as may appear to be just and equitable, with interest, if legal, which sum, when so allowed, shall be paid by the proper authority from the unappropriated funds of the state.

Resolved, That this joint resolution shall be in full force and effect from and after its passage.

Approved May 31, 1879.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION.

Resolved (the house concurring), That Don: C. Henderson, of Allegan, be and is hereby appointed to compile and publish, without delay, under the direction of the committee [committees] on printing of the two houses, a manual for the use of this and the next legislature, at a price not to exceed two hundred dollars: *Provided*, That the copy for the same shall be in the hands of the printer within thirty days from the passage of this resolution.

Approved January 13, 1879.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the joint rules of the senate and house of representatives in joint convention of the last legislature, be and they are hereby adopted as the rules of the present senate and house, until otherwise ordered.

Approved January 16, 1879.

[No. 3.]

CONCURRENT RESOLUTION.

WHEREAS, The people of the state of Michigan, are justly proud of their new capitol building, not more for its architectural beauty than for its durability and solid worth, but especially because it passes into the possession of the state not only free from debt, but absolutely free also from the odor of fraud and the taint of rings,—every brick and stone in its enduring walls fairly representing the full value of the people's money expended in its construction;

AND WHEREAS, Venality and embezzlement in high places and low, should meet with the severest condemnation and the most condign punishment, it is also proper that official integrity in great and responsible trusts should receive recognition and praise by the people whose interests have been faithfully guarded and promoted; therefore,

Resolved (the senate concurring), That the thanks of this legislature, which is in lively sympathy with the people, are due, and are hereby tendered to the honorable board of building commissioners and their secretary, who have so watchfully and laboriously supervised the erection of the new capitol; to the architect who conceived, planned and directed this beautiful structure; to the superintendent, through whose skill, vigilance and honesty, none but good material and accurate work were accepted, and to the various contractors who have, to the letter, carried out their vast and expensive undertaking, wherein, through the united efforts of all persons employed, the humble but faithful laborer as well as the skilled and highly valued artisan, the state has now come into possession of this commodious building for the enactment and administration of her laws.

Resolved, That the foregoing resolution and preamble be spread at large upon the journals of both houses, and that an engrossed copy thereof be presented to the board of building commissioners, to the architect, to the superintendent, and to the principal contractors on the building.

Approved January 16, 1879.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That Luther H. Ludlow be and is hereby appointed postmaster of the house and senate, and that G. Grelling be and he is hereby appointed assistant postmaster.

Approved January 16, 1879.

[No. 5.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the committees on printing of the senate and house of representatives, acting jointly, be instructed to investigate the printing done for the state of Michigan by the present contractors for such work, and the method of rendering bills and obtaining payment, also whether the laws have been observed by the state officers in awarding the contracts for printing, and whether the contractors have fulfilled their obligations to the state, and that said committees report to this legislature the result of their investigations.

Approved January 17, 1879.

[No. 6.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives (the senate concurring), That the joint committee on taxation be and are hereby authorized to employ a clerk at a compensation of three dollars per day.

Approved January 17, 1879.

[No. 7.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the acting superintendent of state property be and is hereby instructed to procure suitable badges to designate the officers and employes of this capitol building, and to furnish an appropriate badge to each of the said officers and employes.

Approved January 17, 1879.

[No. 8.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the committees of the senate and house of representatives on state prison be instructed to inquire into the best manner of disposing of females sentenced to the state prison and state house of correction.

Approved January 25, 1879.

[No. 9.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the joint committees on printing of the two houses, heretofore instructed by concurrent resolution to "investigate the printing done for the state of Michigan, by the present contractors for such work," etc., be and are hereby empowered to send for persons and papers.

Approved January 30, 1879.

[No. 10.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the governor be invited to preside in the joint convention of the two houses Wednesday afternoon, the twenty-ninth inst., on the occasion of the commemoration of the life and services of the late major general Alpheus S. Williams, and that a committee of three, one from the senate and two from the house, be appointed to invite the governor and state officers to be present, and that a similar committee be appointed to wait upon the judges of the supreme court and members of the bar in attendance and request their presence on the occasion referred to.

Approved January 30, 1879.

[No. 11.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That a committee of two, with a like

committee from the senate, be appointed to invite Prof. R. C. Kedzie to deliver a lecture in this hall, at his earliest convenience, on "Illuminating Oils."

Approved January 30, 1879.

[No. 12.]

CONCURRENT RESOLUTION.

WHEREAS, Grave charges have been published respecting the treatment of the inmates of the asylum for the insane at Kalamazoo by some of the attendants and officers in charge, involving not only ill treatment of such inmates, but the commission of shocking and brutal crimes;

AND WHEREAS, Such charges, if false, ought to be refuted, and if true, the guilty parties punished and like abuses prevented in the future; therefore,

Resolved (the senate concurring), That the senate and house committees on the aforesaid institution be and they are hereby instructed, acting jointly to make a careful and thorough investigation of said charges;

Resolved, That for such purpose said joint committee be and they are hereby authorized to send for persons and papers.

Approved January 31, 1879.

[No. 13.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the state printer be authorized to print in pamphlet form all such public acts of a general nature of this session of the legislature as are given immediate effect, as often as there shall be sufficient of such acts to make a pamphlet of twenty-four pages, and upon such publication to forward the same to such officers of counties, townships, villages, and cities as are now authorized by law to receive copies of the statutes.

Approved January 31, 1879.

[No. 14.]

CONCURRENT RESOLUTION.

WHEREAS, The legislative manual of eighteen hundred and seventy-nine is now completed in accordance with the instructions of the senate and house committees on printing, and the copy in the hands of the state printer; therefore, be it

Resolved (the house concurring), That the board of state auditors be and they are hereby authorized to adjust the accounts of Don: C. Henderson, for clerical assistance, postage, and stationery found necessary to be used in the compilation of the legislative manual.

Approved April 3, 1879.

[No. 15.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the State of Michigan (the senate concurring) That the congress of the United States and the parliament of the Dominion of Canada be and they are hereby respectfully requested to authorize the building of a bridge across the Detroit river, at or near the city of Detroit, subject to such reasonable terms and conditions as may be prescribed;

Resolved, That the governor be and he is hereby requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress, and also to his excellency, the governor general of Canada, and to the presiding officers of the two houses of parliament, at Ottawa.

Approved April 18, 1879.

[No. 16.]

CONCURRENT RESOLUTION to correct an error in the enrollment of a bill heretofore passed at the present session.

WHEREAS, An error has occurred in the enrollment of the bill passed at the present session of the legislature, entitled "A bill to authorize the township of Sault Ste. Marie, in the county of Chippewa, to borrow money for the purpose of paying any judgment that has been or may be rendered against said township, and to issue bonds for the payment of the same, and for the payment of the highway indebtedness of said township;"

AND WHEREAS, Said bill was approved by the governor on the fourth day of April, eighteen hundred and seventy-nine;

AND WHEREAS, Said error was not discovered until after the approval of said act by the governor; therefore

Resolved by the House of Representatives (the senate concurring), That the committee on engrossment and enrollment of the house of representatives is hereby authorized to cause said bill to authorize the township of Sault Ste. Marie to borrow money for the purpose of paying any judgment that has been or may be rendered against said township, and to issue bonds for the payment of the same, and for the payment of the highway indebtedness of the said township, to be reënrolled as the same passed the two houses of the legislature, and as the same may appear by the journals and files of said houses, and to cause the error or errors in said first enrollment to be corrected in accordance with the fact as shall appear by said journals and files, and that the said bill when so corrected be presented to the governor for approval, as of the date of April fourth, eighteen hundred and seventy-nine, in like manner, and with like effect as if the same were now first presented to him.

Approved May 26, 1879.

[No. 17.]

CONCURRENT RESOLUTION.

Resolved (the senate concurring), That the secretary of the senate and the clerk of the house of representatives be instructed to forward by mail to the

post office address of each member of the legislature, also to the reporters of the press who have been in attendance since the opening of the session, the usual daily copies of the journal for the remainder of the session; also copies of such other publications, documents and reports as have not yet been printed, and to which the members are entitled; and they are hereby authorized to draw warrants on the treasury for such amounts of postage as may be required.

Approved May 29, 1879.

[No. 18.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives (the senate concurring), That the secretary of the senate and the clerk of the house of representatives be, and they are hereby directed to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present legislature, and when completed and certified to by the secretary of state, they shall each be entitled to and receive for such services the sum of five hundred dollars.

Approved May 29, 1879.

[No. 19.]

CONCURRENT RESOLUTION.

WHEREAS, The district of government lands known as the Detroit district, in Michigan, is embraced in two separate and distinct portions of the state, one portion being in the extreme southeastern part of the state, and the other in the extreme northern portion of the lower peninsula, with the Saginaw district lying between;

AND WHEREAS, There are at present no government lands, to any extent, lying in the southern section of said district, while nearly all of the now vacant government lands in the lower peninsula are situated in the northern section of the same;

AND WHEREAS, The land office of said district is located at Detroit, very remote to [from] the lands in its district, to wit, from two hundred to three hundred miles;

AND WHEREAS, It is a great inconvenience and hardship to those desiring to locate these lands, to be compelled to perfect their locations at a point so far distant, and the settlement of the lands, under the homestead acts, is greatly retarded thereby;

AND WHEREAS, The eastern portion of the upper peninsula suffers from a similar cause, that is, by reason of its being situated a long distance from the land office at Marquette, to which district it belongs;

AND WHEREAS, The location of the land office in the vicinity of the vacant government lands would seem to greatly facilitate the settlement thereof, therefore

Resolved by the Senate (the House concurring), That the secretary of the

interior and commissioner of the general land office of the United States be and are hereby respectfully requested to reorganize the land office districts of this state substantially as follows: Attach the southern portion of the Detroit district to the Saginaw district; attach the eastern portion of the Marquette district to the northern portion of the Detroit district, together with Emmet county, and all those parts of Otsego and Cheboygan counties not now included in said districts, and to remove the office from Detroit to some point convenient and accessible to the vacant lands;

Be it further resolved, That our senators and representatives in congress be and are hereby urged to use all honorable means to effect the object desired;

Be it further resolved, That a copy of these resolutions be forwarded to the honorable secretary of the interior and the commissioner of the general land office, and to each of our senators and representatives in congress.

Approved May 31, 1879.

NOTE.—The words and sentences inclosed in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the legislature, but not in the enrolled copy as approved by the governor.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office,

I, WM. JENNEY, secretary of state of the state of Michigan, do hereby certify that the date of the final adjournment of the regular session of the legislature of this state for the present year was May thirty-first, one thousand eight hundred and seventy-nine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the state of Michigan, at Lansing, this third day of July, in the year of our Lord one thousand eight hundred and seventy-nine.

[L. S.]

WM. JENNEY,
Secretary of State.

APPENDIX:

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1878.

STATE TREASURER'S ANNUAL REPORT, 1878.

STATE OF MICHIGAN,
STATE TREASURER'S OFFICE, }
Lansing, Sept. 30, 1878.

TO HON. CHAS. M. CROSWELL, *Governor of the State of Michigan:*

SIR,—In conforming with the requirements of law, I have the honor to submit herewith the annual report of this department for the fiscal year ending this day, exhibiting a full statement of all financial transactions, and including a detailed statement of the condition of all state and savings banks organized under the general banking law:

The balance of cash in the Treasury Sept. 30, 1877, was.....	\$609,771 23
Cash receipts for year.....	2,370,914 44
	<hr/>
	\$2,970,685 67
Cash payments for year.....	2,570,345 32
	<hr/>
Balance Sept. 30, 1878.....	<u>\$400,340 35</u>

The transactions in swamp land warrants have been as follows:

Balance outstanding Sept. 30, 1877.....	\$54,697 05
Warrants issued.....	70,350 32
Refunded	100 00
	<hr/>
	\$125,147 37
Warrants paid.....	71,937 95
	<hr/>
Balance outstanding Sept. 30, 1878.....	<u>\$53,209 42</u>

The demands against the State Treasury now due and those maturing on or before January 1st, 1879, are as follows:

Past due Bonds and Coupons.....	\$24,363 97
Interest due Nov. 1st, 1878.....	10,476 00
" " Jan'y 1st, 1879.....	19,110 00
Agricultural College Interest.....	4,686 48
University Interest.....	16,563 84
Appropriations—	
Geological Survey.....	6,700 00
New Capitol, furnishing, etc.....	79,863 27
Eastern Asylum Insane.....	18,920 67
Asylum D., D. & B.....	19,672 13
State House of Correction.....	25,108 34
State Prison.....	13,535 00
State Public School.....	9,250 00
University.....	27,250 00
Reform School.....	6,625 00
Normal School.....	4,734 37
Agricultural College.....	1,537 50
Mineral Statistics.....	2,400 00
Fish Commission.....	6,246 31
State Board of Health.....	1,566 19
C., P., P. and Reformatory Institutions.....	3,465 05
Soldiers' Aid and Military.....	4,850 00
	<u>\$306,924 12</u>

The following amounts are held in trust for the purposes named :

Sinking Fund.....	\$378,251 44
Canal Fund.....	74,532 12
Primary School Interest Fund.....	94,777 60
Sundry Deposits.....	3,303 72
	<u>\$550,864 88</u>

These amounts combined make the total demands against the Treasury \$857,789.00, while the entire balance in the Treasury is \$400,340.35. I desire to call your attention at this time to the fact that the General Fund is over-drawn to the amount of \$173,011.11; to remedy this in the future it would seem necessary that the Legislature, instead of making appropriations to be paid out of moneys already in the Treasury should provide for every appropriation by levying a tax sufficient to meet it.

By the terms of act No. 200, Laws of 1863, it was made the duty of the State Treasurer to require from any bank, before making it a depository of the surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General, and Secretary of State, for the safe keeping and reimbursement of said funds when called for, and the payment of such rate of interest thereon as he may deem for the best interest of the State.

The following table shows the amount of interest received by the State during the last four years :

YEAR.	Interest on Surplus Funds.	Interest on Specific Taxes.	Interest on U. S. Bonds.	TOTAL.
1875.....	\$50,528 71	\$16,478 62	-----	\$67,007 33
1876.....	44,328 75	22,889 66	-----	65,218 41
1877.....	31,718 16	15,792 15	\$10,572 20	58,082 51
1878.....	19,902 81	14,278 55	13,658 21	47,839 57
Totals.....	\$146,478 43	\$67,438 98	\$24,230 41	\$238,147 82

There has been received from the Treasurer of the United States during the year \$966.68 as five per cent of the proceeds of cash sales of Government lands lying within this state.

The balance in the Canal Fund Sept. 30, 1877, was \$64,999 81
 Receipts for tolls 20,921 13
\$85,920 94

PAYMENTS.

Interest on Canal bonds..... \$2,910 00
 Salaries—Canal officers..... 2,925 02
 Repairs and expenses..... 5,553 80
11,388 22

Balance Sept. 30, 1877..... \$74,532 12

There has been received into and disbursed from the state treasury in the last four years cash in the following amounts:

Receipts for—

1875..... \$2,208,929 55
 1876..... 1,744,406 29
 1877..... 1,833,824 77
 1878..... 2,360,914 44
\$8,148,075 05

The payments have been—

1875..... \$2,050,097 37
 1876..... 1,909,507 49
 1877..... 2,288,058 84
 1878..... 2,570,345 32
\$8,818,009 02

Balance in Treasury Sept. 30, 1874..... \$1,070,274 32
 Receipts for four years..... 8,148,075 05

\$9,218,349 37
 Payments for four years..... 8,818,009 02

Balance Sept. 30, 1878..... \$400,340 35

The total receipts during the year for Specific Taxes have been \$635,220.51. Of this amount \$20,566.30 was received for mining taxes from the Upper Peninsula; the remainder, \$614,654.21, is an amount sufficient to pay the interest on the Trust Funds and on the Bonded Debt of the State, leaving \$330,775.50 to be credited to the Sinking Fund. In this connection, I would say that it may be safely calculated that the surplus Specific Taxes paid by railroads, insurance, telegraph, car, and manufacturing companies, after providing for the payment of the interest on the Trust Funds and the Bonded Debt, will, in two years, be sufficient to extinguish the entire Bonded Debt of the State. This large surplus will then, under section one, article fourteen, of the Constitution, be added to the Primary School Interest Fund. The amount paid to the counties from this fund in 1878 was \$234,499.57, to which, after the payment of the State Debt is provided for, add the surplus of Specific Taxes, and we will have a grand total of over half a million of dollars to be distributed annually for the benefit of the common schools of our State.

As the Specific Taxes are the principal source from which our Sinking Fund is derived, and as they provide the only means of paying the interest on the Trust Funds and on the Bonded Debt, I give below a table showing the receipts from the different corporations paying Specific Taxes for the last four years:

YEAR.	Railroads.	Street Railways.	Car.	Fire Insurance.	Life Insurance.
1875.....	\$388,921 07	\$1,339 81	\$6,199 18	\$67,602 30	\$55,874 71
1876.....	397,904 81	1,602 72	5,030 08	67,394 81	29,990 94
1877.....	398,374 55	2,064 79	2,583 42	58,931 07	25,512 73
1878.....	531,640 23	1,037 50	1,425 24	53,554 22	22,616 42
	\$1,716,640 66	\$6,114 82	\$15,237 87	\$247,482 30	\$123,996 80

YEAR.	U. P. Mining.	L. P. Mining.	Telegraph.	Express.	Plank-road.	River Improvement.	Total.
1875.....	\$21,704 92	\$101 79	\$2,406 01	\$1,695 45	\$1,088 33	\$449 92	\$247,333 39
1876.....	20,041 93	157 63	2,324 19	1,485 96	35 45	1,697 12	527,565 59
1877.....	20,686 96	-----	2,082 31	1,395 74	-----	1,251 51	512,904 08
1878.....	20,566 30	-----	2,034 60	1,326 00	20 00	1,000 00	635,220 51
	\$83,000 11	\$259 42	\$8,847 11	\$5,908 15	\$1,143 78	\$4,398 55	\$2,223,023 57

The Trust Debt of the State is composed of the following funds and amounts:

Primary School Fund.....	\$2,369,114 15
Five per cent Primary School Fund.....	315,836 18
University Fund.....	452,317 56
Agricultural College Fund.....	130,784 89
Normal School Fund.....	53,421 32
Railroad and other deposits.....	3,303 72
	<u>\$3,324,777 82</u>

On these large amounts in the educational funds the State pays interest at the rate of seven per cent per annum, except on the Normal School Fund; the law establishes the rate on this fund at six per cent. The accompanying tables show the amount of interest paid by the State to each of these funds, and also the amount received on part-paid certificates for the purchase of lands for the four years just passed.

Paid by State on—

YEAR.	Primary School Interest Fund.	Agricultural College Interest Fund.	University Interest Fund.	Normal School Interest Fund.	TOTAL.
1875.....	\$166,855 13	\$7,717 24	\$30,717 98	\$3,095 11	\$208,185 46
1876.....	170,881 74	8,124 31	30,989 81	3,162 54	213,158 40
1877.....	198,594 03	8,396 64	31,246 95	3,201 08	241,438 70
1878.....	179,302 25	8,740 62	31,445 24	3,205 28	222,693 39
Totals.....	\$715,433 15	\$32,978 81	\$124,399 98	\$12,664 01	\$885,475 95

Paid on part-paid certificates—

YEAR.	Primary School Interest Fund.	Agricultural College Interest Fund.	University Interest Fund.	Normal School Interest Fund.	TOTAL.
1875.....	\$45,737 04	\$6,836 52	\$7,800 63	\$1,260 74	\$61,634 93
1876.....	45,595 33	7,169 54	7,358 33	1,202 97	61,326 17
1877.....	41,317 56	6,029 53	7,083 51	1,133 30	55,563 90
1878.....	39,991 19	6,796 44	7,227 00	1,121 07	55,135 70
Totals.....	\$172,641 12	\$26,832 03	\$29,469 47	\$4,718 08	\$233,660 70

The total amount of appropriations made by the Legislature in the last four years for the benefit of the various educational institutions are as follows:

YEAR.	University.	Agricultural College.	Normal School.	TOTAL.
1875.....	\$49,500 00	\$18,600 11	\$16,091 86	\$84,191 97
1876.....	58,000 00	13,857 52	12,743 12	84,600 64
1877.....	59,000 00	23,978 18	17,568 89	100,547 07
1878.....	60,125 00	25,828 42	53,226 01	139,179 43
Totals.....	\$226,625 00	\$82,264 23	\$99,629 88	\$408,519 11

These amounts, added to the amounts received for interest, make a total expenditure for educational purposes in this State for the last four years of \$1,527,655.76.

BONDED DEBT.

Entertaining the opinion that it is the true policy of the state to reduce its bonded indebtedness as rapidly as possible, I decided, after consultation with the Board of Fund Commissioners, to purchase such amounts of our State bonds as could be obtained at reasonable rates. I have, therefore, purchased \$96,000.00 of bonds, and paid \$336,000.00, making a total reduction of the State debt during the year of \$432,000.00. The following table shows the bonds purchased and paid during the last four years:

WHEN PAID.	KIND OF BONDS.						Totals.
	Canal Bonds.	Renewal.	2,000,000 Loan, 1878.	2,000,000 Loan, 1883.	War Bounty.	War and Part-paid 5,000,000 Loan.	
1876.....	\$15,000 00	\$1,000 00	\$43,000 00	\$58,000 00	\$8,000 00	50 00 \$17,935 67	\$142,985 67
1878.....		3,000 00	46,000 00	3,000 00	1,000 00		53,000 00
1877.....			1,000 00				1,000 00
1878.....		93,000 00	243,000 00	38,000 00	58,000 00		432,000 00
	\$15,000 00	\$97,000 00	\$333,000 00	\$99,000 00	\$67,000 00	\$17,985 67	\$622,985 67

By the purchase of these bonds there has been saved to the State the sum of \$28,733.09 in interest. This leaves the present condition of the State Debt as follows:

INTEREST-BEARING BONDS.

Sault Canal Bonds, 6's, due July 1st, 1879.....	\$46,000 00
Two-million Loan Bonds, 6's, due January 1st, 1883.....	591,000 00
War Bounty Loan Bonds, 7's, due May 1st, 1890.....	299,000 00
	<u>\$936,000 00</u>

NON-INTEREST BEARING DEBT.

Renewal Loan Bonds past due.....	\$8,000 00
Adjusted Bonds, due January 1, 1863.....	3,000 00
\$21,000.00 Part-paid Five-million Loan Bonds, adjustable at \$578.57 per \$1,000.....	12,149 97
	<u>23,149 97</u>
Total Bonded Debt.....	\$959,149 97

SINKING FUND.

The balance in the Sinking Fund Sept. 30, 1877, was.....	480,294 53
The credits to the fund during the year have been—	
Surplus Specific Taxes.....	330,775 50
Interest on U. S. 4½ per cent Bonds.....	13,658 21
	<u>\$824,728 24</u>

The charges against the fund, were—

Two-Million Loan Bonds, paid, due 1878.....	\$243,000 00
Renewal Loan Bonds, paid, due 1878.....	93,000 00
Two-Million Bonds, purchased, due 1883.....	38,000 00
War Bounty Bonds, purchased, due 1890.....	58,000 00
Premium on Bonds.....	14,476 80

\$446,476 80

Balance in Sinking Fund Sept. 30, 1878.....	\$378,251 44
U. S. 4½ per cent Bonds.....	300,000 00

\$678,251 44

The transactions in the Sinking Fund since its inception have been as follows:

One-sixteenth mill tax, 8 years, 1861 to 1868, Act 5, Ex. session 1861	\$111,511 06
One-eighth mill tax, 10 years, 1862 to 1871, Act 122, Ex. session 1861	357,256 57
Excess of taxes for interest.....	2,156,615 62
War expenses refunded by U. S.	279,566 40
Discount on Bonds.....	3,069 17
Trust Funds received from Feb. 1, 1863 to March 1, 1875.....	1,979,152 00
Transfer from Gen. Fund, J. R. No. 7, 1869.....	200,000 00
Interest on U. S. Bonds.....	24,230 41

\$5,111,401 23

Contra.

Temporary Loan Bonds.....	\$50,000 00
Renewal Loan Bonds.....	208,000 00
Two-Million Loan Bonds.....	1,409,000 00
War Loan Bonds.....	1,249,400 00
War-Bounty Loan Bonds.....	1,007,000 00
Premium on Bonds.....	19,920 25
Transfer to General Fund, J. R. No. 17, 1875.....	466,828 40
U. S. 4½ % Bonds.....	300,000 00
Premium on U. S. Bonds.....	23,001 14
Balance	378,251 44

\$5,111,401 23

Add United States Bonds, \$300,000.00, to Sinking Fund and we have \$678,251.44; deducting the amount of the Sinking Fund, \$678,251.44, and of the Canal Fund, \$46,000 00: total, \$724,251.54, from the amount of the Bonded Debt, \$959,149.97, and we have \$234,898.53 as the entire amount of the Bonded Debt over the amount now in the Treasury applicable to its payment.

During the past year there has been surrendered to the various townships on the written order of their respective boards, verified under seal by their county clerks, Railroad Aid Bonds to the amount of \$39,500.00. Below I give a detailed list of those remaining in this office:

TOWNSHIP.	COUNTY.	RAILROADS.	AMOUNT.
Constantine.....	St. Joseph.....	Michigan Air Line.....	\$50,000 00
Bingham.....	Clinton.....	Lansing, St. Johns & Mackinac.....	40,000 00
Emerson.....	Gratiot.....	Lansing, St. Johns & Mackinac.....	10,000 00
Washington.....	Gratiot.....	Lansing, St. Johns & Mackinac.....	8,000 00
Coe.....	Isabella.....	Lansing, St. Johns & Mackinac.....	15,579 00
Chippewa.....	Isabella.....	Lansing, St. Johns & Mackinac.....	5,813 90
Lyons.....	Ionia.....	Jonesville, Marshall & Grand River.....	40,000 00
Corunna City.....	Shiawassee.....	East Saginaw & Ann Arbor.....	14,000 00
Spaulding.....	Saginaw.....	East Saginaw & Ann Arbor.....	19,500 00
Talmadge.....	Ottawa.....	Grand Rapids & Lake Shore.....	10,000 00
Lyon.....	Oakland.....	Toledo, Ypsilanti & Saginaw.....	15,000 00
Augusta.....	Washtenaw.....	Toledo, Ypsilanti & Saginaw.....	20,000 00
St. Clair.....	St. Clair.....	Michigan Air Line Extension.....	28,800 00
Total.....			\$276,492 90

The following tables show the details of revenue and expenditures for the fiscal year:

RECEIPTS.

Tax histories and statements.....	\$2,245 75	
State tax deeds.....	916 75	
State tax lands and bids.....	142,756 17	
Redemptions.....	61,631 92	
Delinquent taxes.....	208,002 85	
		\$415,553 44
Primary school principal.....	\$63,347 80	
Primary school interest.....	39,991 19	
Swamp land principal.....	77,112 93	
Swamp land interest.....	3,459 35	
University principal.....	4,575 33	
University interest.....	7,227 00	
Agricultural College principal.....	9,619 99	
Agricultural College interest.....	6,796 44	
Normal School interest.....	1,121 07	
Asylum principal.....	680 00	
Asylum interest.....	1,097 54	
State building interest.....	194 03	
Salt spring principal.....	930 00	
Salt spring interest.....	921 66	
Internal improvement principal.....	100 00	
Dewey asset land principal.....	640 00	
Dewey asset land interest.....	224 96	
Taxes on part-paid lands.....	10,086 40	
		\$228,125 69
Sundry deposits account—		
Primary school principal.....	\$970 56	
Primary school interest.....	24 11	
Swamp land principal.....	170 02	
State building principal.....	669 80	
		\$1,834 49

Counties—			
State tax of 1877.....	\$676,846	54	
State tax land sales.....	169,009	19	
General account.....	61,773	49	
Taxes and redemptions.....	88,485	24	
			<u>\$996,114 46</u>
Specific taxes—			
Railroad companies.....	\$531,640	23	
Street railway companies.....	1,037	50	
Car companies.....	1,425	24	
Fire insurance companies.....	53,554	22	
Life insurance companies.....	22,616	42	
Mining companies.....	20,566	30	
Telegraph companies.....	2,034	60	
Express companies.....	1,326	00	
Plank road companies.....	20	00	
River improvement companies.....	1,000	00	
			<u>\$635,220 51</u>
Interest—			
Surplus fund.....	\$19,902	81	
Specific taxes.....	14,278	55	
Tax sales.....		17	
United States 4½ % bonds.....	13,658	21	
			<u>\$47,839 74</u>
Penalty on specific taxes.....			17 29
Sales—			
Michigan reports.....	\$5,635	90	
Compiled laws.....	456	00	
Session laws.....	304	71	
Territorial laws.....	12	50	
Old blanks.....	1	00	
Old fence and sidewalk.....	60	00	
Grass on Capitol square.....	10	00	
			<u>\$6,480 11</u>
Fees—			
Secretary of State office.....	\$545	40	
Commissioner of State Land Office.....	1,412	86	
Commissioner of Swamp Land office.....	19	85	
Auditor General—plats.....	71	00	
Commissioner of Deeds.....	123	00	
Notaries public.....	982	00	
			<u>\$3,154 11</u>
Rents—			
Primary school lots in Lansing.....	\$10	00	
State building lots in Lansing.....	150	00	
Senate chamber.....	25	00	
			<u>\$185 00</u>
St. Mary's Canal—tolls.....			20,921 13
Peddlers' licenses.....			348 41
Liquor tax.....			300 00

Trespass on State lands.	{ Primary school interest. \$888 31 Ag'l College interest... 414 00 Swamp land..... 1,953 50 }	\$3,255 81
Escheats—principal.....		101 00
Escheats—interest.....		7 00
United States 5 % sales of lands.....		966 68
Refunded—		
United States—equipping troops.....	\$373 70	
State teachers' institutes.....	86 25	
Awards Board of Auditors.....	29 62	
		<u>\$389 57</u>
Total.....		<u><u>\$2,360,914 44</u></u>

EXPENDITURES.

Bonds—		
Renewal Loan, due July 1, 1878.....	\$93,000 00	
Two-Million Loan, due January 1, 1878.....	243,000 00	
“ “ “ due January 1, 1883.....	38,000 00	
War Bounty Loan, due May 1, 1890.....	58,000 00	
		<u>\$432,000 00</u>
Coupons—		
Canal Bonds.....	\$2,910 00	
Renewal Loan Bonds.....	6,323 33	
Two-Million Loan Bonds.....	44,210 00	
War Bounty Loan Bonds.....	24,966 99	
		<u>\$78,410 32</u>
Premium on purchase of State Bonds.....		\$14,476 80
Counties—		
Primary school apportionment.....	\$234,499 57	
Taxes collected.....	269,747 57	
Asylums.....	5,812 55	
Military.....	33 44	
		<u>\$510,093 13</u>
Appropriations—		
University of Michigan.....	\$60,125 00	
Agricultural College.....	25,828 42	
Normal School.....	53,226 01	
Asylum—insane, Kalamazoo.....	30,055 25	
“ “ Pontiac.....	144,106 06	
“ “ D., D. and B., Flint.....	42,585 62	
State Capitol.....	396,173 76	
State Public School.....	43,900 00	
State Reform School.....	26,500 00	
State Prison.....	11,000 00	
State House of Correction.....	67,317 37	
State Board Health.....	4,397 90	
State Library.....	1,500 00	
State Pioneer Society.....	1,000 00	

State Teacher's Institutes.....	\$1,980 00	
Board of Fish Commissioners.....	7,103 18	
Charitable, Penal, Pauper, and, Reformatory Institutions.....	2,605 91	
Geological Survey.....	1,300 00	
Care of juvenile offenders.....	1,194 33	
Conveying convicts to State Prison.....	5,322 15	
Conveying convicts to State House of Correction.....	4,709 78	
Transferring convicts.....	154 34	
Apprehending escaped convicts.....	989 99	
Transporting children to State Public School....	636 10	
Officers salaries of insane asylums.....	8,612 89	
Soldiers' Aid.....	4,000 00	
Military Account.....	27,547 81	
History of Battle Flags.....	450 00	
Mineral statistics.....	600 00	
Transportation of troops.....	325 70	
		\$975,247 53
Specific Tax Transfers—		
University interest.....	\$30,590 51	
Agricultural College interest.....	13,320 61	
Normal School interest.....	7,273 99	
		\$51,185 11
Awards, Board of State Auditors—		
Printing and Binding.....	45,819 43	
Paper and stationery.....	20,819 12	
Michigan Reports.....	4,465 45	
Expenses State Swamp Land Commissioner.....	520 26	
Advertising sales forfeited lands.....	655 20	
Examining homestead lands.....	1,358 28	
Advertising restored lands.....	35 50	
Collecting war claim vs. United States.....	329 33	
General awards.....	15,968 45	
		\$89,971 02
Salaries—		
Judges of Supreme Court.....	\$16,333 32	
Judges of Circuit Courts.....	33,191 67	
Judges of Superior Courts.....	3,000 00	
Elective State officers.....	5,750 00	
Auditor General's office.....	67,677 82	
State Treasurer's office.....	4,500 00	
Secretary of State's office.....	12,223 39	
State Land office.....	13,205 73	
State Swamp Land office.....	2,200 00	
Insurance Commissioner's office.....	4,200 00	
Supt. Pub. Instruction office.....	2,073 38	
Railroad Commissioner's office.....	3,500 06	
State Board of Health office.....	3,696 16	
State Librarian and clerk.....	1,503 57	
Military officers.....	2,199 80	
St. Mary's Canal officers.....	2,925 02	

State Reporter.....	\$2,275 00	
Attorney General's office.....	1,000 00	
Secretary Agricultural College.....	1,000 00	
Governor's Private Secretary.....	866 68	
Recorder of Detroit.....	1,500 00	
		\$184,831 60
Swamp Land Warrants.....		70,350 32
Refunding—		
Taxes to Auditor General's Office.....	\$56,332 96	
Taxes on art-paid lands.....	38 15	
Principal and interest to Land Office.....	1,616 98	
Peddler's license.....	10 00	
		\$57,998 09
St. Mary's Canal expenses.....		5,553 80
State House of Correction, expenses.....		46,000 00
Soldiers' Bounty.....		100 00
Advertising tax sales.....	\$31,944 80	
County Treas., conducting sales.....	10,238 07	
		42,182 87
Supervisors' appraisals forfeited lands.....		753 66
Sundry Deposits Account.....		1,865 57
General expenses—		
Courts.....	\$2,191 76	
Suits.....	340 00	
Sales.....	1,195 91	
Trustees and commissioners to asylums, etc.....	1,782 72	
Managers State House of Correction.....	1,132 68	
State Reporter.....	172 71	
Inspector of State Prison.....	937 87	
Coroners' fees.....	1,479 85	
Wolf bounties.....	92 00	
		\$9,325 50
Total.....		\$2,570,345 32

Very respectfully,

WM. B. McCREERY,
State Treasurer.

Treasurer of the State of Michigan in account with the State of Michigan.

DEBIT.

1878.			
Sept. 30.	To balance Sept. 30, 1877.....		\$808,771 23
	Receipts on account of—		
	General Fund.....	1,472,655	19
	Primary School Fund.....	63,847	80
	Primary School Interest Fund.....	40,896	50
	Swamp Land Account.....	82,625	78
	University Fund.....	4,575	33
	University Interest Fund.....	7,327	00
	Agricultural College Fund.....	9,619	99
	Agricultural College Interest Fund.....	7,210	44
	Normal School Interest Fund.....	1,121	07
	Sinking Fund.....	13,658	21
	St. Mary's Canal Fund.....	20,921	13
	Specific Tax Fund.....	635,220	51
	Escheat Lands.....	101	00
	Sundry Deposits Account.....	1,834	49
			<u>\$2,970,685 67</u>

Ledger Balances.

DEBIT.

1878.			
Sept. 30.	To Cash.....		\$400,340 35
	General Fund.....		173,011 11
			<u>\$573,351 46</u>

General Fund.

DEBIT.

1878.			
Sept. 30.	To balance Sept. 30, 1877.....		\$86,286 87
	paid interest on State bonds.....	50,533	33
	" Counties—taxes collected.....	275,593	56
	" Appropriations.....	975,247	53
	" Awards Board of State Auditors.....	89,687	53
	" Salaries.....	181,906	58
	" Swamp Land Warrants.....	70,350	82
	" Redemptions—taxes.....	56,371	11
	" Over payments, State lands.....	1,499	50
	" State House of Correction, expenses.....	46,000	00
	" Advertising tax sales.....	31,944	80
	" County Treas., conducting tax sales.....	10,238	07
	" Sundry expenses.....	9,517	13

\$1,865,176 83

Treasurer of the State of Michigan in account with the State of Michigan.

CREDIT.

1878.		
Sept. 30.	By paid Auditor General's warrants on account of—	
	General Fund.....	\$1,723,047 92
	Primary School Fund.....	1,400 00
	Primary School Interest Fund.....	235,298 06
	Swamp Land Account.....	74,441 54
	University Interest Fund.....	80,606 40
	Agricultural College Interest Fund.....	18,464 58
	Normal School Interest Fund.....	7,286 64
	War Fund.....	25,066 99
	Sinking Fund.....	446,476 80
	St. Mary's Canal Fund.....	11,888 82
	Sundry Deposits Account.....	1,865 57
	Balance.....	400,340 35
		<u>\$2,970,685 67</u>

Ledger Balances.

CREDIT.

1878.		
Sept. 30.	By Primary School Interest Fund.....	\$24,777 60
	University Interest Fund.....	8,063 84
	Agricultural College Interest Fund.....	2,486 48
	Normal School Interest Fund.....	902 87
	Sinking Fund.....	878,251 44
	St. Mary's Canal Fund.....	74,582 12
	War Fund.....	11,083 89
	Sundry Deposits Account.....	3,303 73
		<u>\$678,351 46</u>

General Fund.

CREDIT.

1878.		
Sept. 30.	By cash, Delinquent Taxes.....	\$415,553 44
	“ Taxes on part-paid lands.....	10,086 40
	“ Asylum Land Account.....	1,777 54
	“ State Building Account.....	194 03
	“ Salt Spring Account.....	1,851 66
	“ Internal Improvement Account.....	100 00
	“ Dewey Asset Account.....	854 96
	“ Counties—State tax, etc.....	996,114 46
	“ Interest—Surplus Funds.....	19,902 81
	“ “ Specific Taxes and penalty.....	14,296 01
	“ Sales—Laws and reports.....	6,410 11
	“ “ Old sidewalk and fence.....	70 00
	“ Fees—Secretary of State Office.....	545 40
	“ “ Commissioner State Land Office.....	1,419 86
	“ “ “ State Swamp Land Office.....	19 85
	“ “ “ Plats filed in Auditor General's office.....	71 00
	“ “ Commissioner Deeds.....	153 00
	“ “ Notaries Public.....	939 00
	“ Rents—State property.....	175 00
	“ Peddlers' licenses.....	848 41
	“ Distilled Liquor Tax.....	300 00
	“ United States 5 per cent sales of land.....	964 68
	“ Refunded—by U. S. for equipping troops.....	373 70
	“ “ Awards Board of Auditors.....	29 62
	“ “ State Teachers' Institutes.....	86 25
	“ Transfer from Primary School Fund.....	63,847 80
	“ “ “ Swamp Land Account.....	82,525 78
	“ “ “ University Fund.....	4,575 83
	“ “ “ Agricultural College Fund.....	9,819 99
	“ “ “ Escheat Lands.....	101 00
	“ “ “ Specific Tax fund.....	59,339 68
	balance.....	178,011 11
		<u>\$1,863,175 83</u>

Primary School Land Account.

DEBIT.

1878.		
Sept. 30.	To cash refunded on overpayments on lands.....	\$1,400 00
	transferred to General Fund.....	62,048 80
		<u>\$63,448 80</u>

Primary School Interest Fund.

DEBIT.

1878.		
Sept. 30.	To paid Apportionments to Counties.....	\$234,499 57
	" Supervisors' Appraisals.....	484 16
	" Advertising Sales.....	223 63
	" Refunding Interest, overpayment.....	90 70
	" balance.....	94,777 60
		<u>\$330,075 66</u>

Swamp Land Account.

DEBIT.

1878.		
Sept. 30.	To paid Salaries State Swamp Commissioner and Clerk.....	\$2,900 00
	" Expenses State Swamp Commissioner's Office.....	520 26
	" Homesteads.....	1,356 28
	" Advertising lands.....	888 14
	" Supervisors appraisals.....	152 78
	transferred to General Fund.....	82,545 63
		<u>\$87,180 09</u>

University Land Account.

DEBIT.

1878.		
Sept. 30.	To transfer to General Fund.....	\$4,575 33

University Interest Fund.

DEBIT.

1878.		
Sept. 30.	To paid Treasurer University of Michigan.....	\$30,390 51
	" Supervisors' Appraisals.....	14 16
	" advertising Sales.....	3 78
	balance.....	8,083 84
		<u>\$38,572 29</u>

Agricultural College Land Account.

DEBIT.

1878.		
Sept. 30.	To General Fund.....	\$9,619 99

Primary School Land Account.

CREDIT.

1878.			
Sept. 30.	By cash from purchasers of lands.....	\$53,347 80	
"	" " Escheat Lands.....	101 00	
		<u>\$53,448 80</u>	

Primary School Interest Fund.

CREDIT.

1878.			
Sept. 30.	By balance Sept. 30, 1877.....	\$109,876 91	
	cash, interest on P. S. Lands.....	39,991 19	
	" Rents on property in Lansing.....	10 00	
	" Trespass Collections.....	898 81	
	" Interest on Escheat Lands.....	7 00	
	Amount transferred from Specific Tax Fund.....	179,302 25	
		<u>\$630,075 06</u>	

Swamp Land Account.

CREDIT.

1878.			
Sept. 30.	By Swamp Land Warrants.....	\$70,350 22	
	Cash for Lands.....	6,762 61	
	" " Trespass collections.....	1,833 00	
	" " fees from State Swamp Land Commissioner.....	19 85	
	" " Interest on Swamp Lands.....	2,459 25	
	transferred from General Fund.....	4,614 46	
		<u>\$87,100 09</u>	

University Land Account.

CREDIT.

1878.			
Sept. 30.	By cash for lands.....	\$4,575 33	

University Interest Fund.

CREDIT.

1878.			
Sept. 30.	By cash for Interest on Lands.....	\$7,227 00	
	transfer from Specific Tax Fund.....	31,445 24	
		<u>\$38,672 24</u>	

Agricultural College Land Account.

CREDIT.

1878.			
Sept. 30.	By cash from purchasers of lands.....	\$9,619 90	

Agricultural College Interest Fund.

DEBIT.

1878.			
Sept. 30.	To paid Treasurer of Agricultural College.....	\$12,820 61	
	" Supervisors' Appraisals.....	65 86	
	" Advertising Sales.....	51 33	
	" Refunding Interest, overpaid.....	26 78	
	balance.....	2,486 48	
		<u>\$15,951 06</u>	

Normal School Interest Fund.

DEBIT.

1878.			
Sept. 30.	To paid Treasurer Normal School.....	\$7,373 99	
	" Supervisors' Appraisals.....	7 85	
	" Advertising Sales.....	4 80	
	balance.....	902 67	
		<u>\$8,189 51</u>	

War Fund.

DEBIT.

1878.			
Sept. 30.	To paid interest on War Bounty Loan Bonds.....	\$24,966 99	
	" Soldiers' Bounty.....	100 00	
	balance.....	11,033 89	
		<u>\$36,100 88</u>	

Sinking Fund.

DEBIT.

1878.			
Sept. 30.	To paid Renewal Loan Bonds.....	\$63,000 00	
	" Two-Million Loan Bonds.....	281,000 00	
	" War-Bounty Loan Bonds.....	58,000 00	
	" Premium on Bonds.....	14,476 80	
	balance.....	378,251 44	
		<u>\$824,728 24</u>	

St. Mary's Ship Canal Fund.

DEBIT.

1878.			
Sept. 30.	To paid Interest on Bonds.....	\$2,910 00	
	" Salaries.....	2,925 02	
	" repairs and expenses.....	5,553 80	
	balance.....	74,533 12	
		<u>\$85,920 94</u>	

Agricultural College Interest Fund.

CREDIT.

1878.		
Sept. 30.	By cash, Interest on Lands.....	\$6,796 44
	" Trespass collections.....	414 00
	transfer from Specific Tax Fund.....	8,740 62
		<u>\$15,951 06</u>

Normal School Interest Fund.

CREDIT.

1878.		
Sept. 30.	By balance Sept. 30, 1877.....	\$3,863 16
	cash, Interest on Lands.....	1,121 07
	transfer from Specific Tax Fund.....	3,206 28
		<u>\$8,189 51</u>

War Fund.

CREDIT.

1878.		
Sept. 30.	By balance Sept. 30, 1877.....	\$13,688 89
	transfer from Specific Tax Fund.....	22,411 99
		<u>\$36,100 88</u>

Sinking Fund.

CREDIT.

1878.		
Sept. 30.	By balance Sept. 30, 1877.....	\$480,294 53
	interest and premium on U. S. Bonds.....	13,658 31
	transfer to Specific Tax Fund.....	330,776 50
		<u>\$824,729 34</u>

St. Mary's Ship Canal Fund.

CREDIT.

1878.		
Sept. 30.	By balance Sept. 30, 1877.....	\$64,989 81
	cash for Tolls	20,931 13
		<u>\$85,920 94</u>

Specific Tax Fund.

DEBIT.

1878.		DEBIT.	
Sept. 30.	To transfer to	Primary School Interest Fund.....	\$179,302 25
"	"	University Interest Fund.....	\$1,445 94
"	"	Agricultural College Interest Fund.....	8,740 03
"	"	Normal School Interest Fund.....	3,305 33
"	"	General Fund.....	60,539 63
"	"	Sinking Fund.....	\$30,775 50
"	"	War Fund.....	23,411 00

9835,220 51

Sundry Deposits Account.

		DEBIT.

		DEBIT.	
1878.			
Sept. 30.	To paid Primary School Deposits.....		\$1,653 84
	" Primary School Interest Deposits.....		24 11
	" Swamp Land Deposits.....		186 68
	balance.....		\$ 303 73

\$5,169 29

Specific Tax Fund.

CREDIT.

1878.				
Sept. 30.	By cash from Railroad Companies.....			\$531,640 23
	" " Street Railway Companies.....			1,087 50
	" " Car Companies.....			1,425 24
	" " Fire Insurance Companies.....			53,554 22
	" " Life Insurance Companies.....			22,616 43
	" " Mining Companies.....			20,566 30
	" " Telegraph Companies.....			2,034 60
	" " Express Companies.....			1,326 00
	" " Plank Road Companies.....			20 00
	" " River Improvement Companies.....			1,000 00
				<u>\$685,220 51</u>

Sundry Deposits Account.

CREDIT.

1878.				
Sept. 30.	By balance Sept. 30, 1877.....			\$3,334 80
	cash for Primary School Deposit.....			970 56
	" " Primary School Interest Deposit.....			24 11
	" " Swamp Land Deposit.....			170 03
	" " State Building Deposit.....			669 80
				<u>\$5,169 29</u>

STATE BANKS.

RESOURCES.

NAME.	Location.	Loans and Discounts.	Bonds.	Cash.	Real Estate and Fixtures.	Due from Banks.	Expenses.	Overdrafts.	Total.
Bay City Bank.....	Bay City.....	\$163,450 31	.....	\$22,838 56	\$9,095 49	\$18,246 95	\$754 81	\$1,693 26	\$221,060 38
City Bank.....	Battle Creek.....	167,290 45	.....	15,101 17	2,800 00	15,631 33	.....	2,638 83	204,081 83
Citizens' Bank.....	Marquette.....	40,234 35	.....	14,163 63	1,850 00	13,051 15	.....	983 00	110,941 15
German American Bank.....	Detroit.....	201,536 50	\$31,700 00	70,661 97	2,050 00	103,827 25	3,305 19	983 94	432,877 17
Jackson City Bank.....	Jackson.....	392,638 81	50,332 02	63,411 65	10,000 00	54,504 60	.....	11,316 76	483,916 83
Jackson County Bank.....	Jackson.....	92,110 75	.....	3,431 36	1,250 00	166 60	.....	.....	83,488 71
Lumberman's State Bank.....	West Bay City.....	62,073 90	.....	9,086 08	3,000 00	1,151 73	37 50	516 59	65,730 79
Mechanics' Bank.....	Whitehall.....	104,154 24	.....	16,474 98	10,150 00	32,995 75	.....	987 13	144,694 07
Mechanics' and Miners' Bank.....	Detroit.....	383,550 60	16,216 33	34,319 36	6,339 92	44,647 43	5,335 64	.....	463,009 95
People's Bank.....	Calumet.....	80,698 04	6,150 00	24,961 20	1,000 00	26,961 20	143 50	297 57	178,433 13
State Bank.....	Manchester.....	42,850 12	.....	7,141 51	11,688 30	11,688 30	.....	280 30	110,150 13
The Bank of Ishpeming.....	Ishpeming.....	29,389 16	.....	2,343 60	2,192 92	11,890 23	.....	31 47	70,787 43
Totals.....	.....	\$1,701,130 30	\$93,398 95	\$292,436 94	\$65,335 08	\$344,469 64	\$9,477 64	\$19,618 84	\$2,525,927 39

LIABILITIES.

NAME.	Location.	Capital.	Surplus.	Due Banks.	Due Depositors.	Profit and Loss.	Int., Premium and Exchange.	Re-Discounts.	Total.
Bay City Bank.....	Bay City.....	\$100,000 00	\$3,000 00	\$1,901 48	\$114,895 51	\$1,323 39	.....	.....	\$221,060 38
City Bank.....	Battle Creek.....	50,000 00	53,393 60	.....	118,698 23	1,573 90	.....	.....	204,081 83
Citizens' Bank.....	Marquette.....	50,000 00	.....	178 44	59,189 81	8,113 98	.....	.....	110,941 15
German American Bank.....	Detroit.....	100,000 00	.....	.....	294,763 19	5,319 15	.....	.....	432,877 17
Jackson City Bank.....	Jackson.....	100,000 00	100,000 00	8,930 93	260,076 74	3,700 83	.....	.....	483,916 83
Jackson County Bank.....	Jackson.....	15,000 00	.....	.....	14,787 89	486 67	.....	.....	33,488 71
Lumberman's State Bank.....	West Bay City.....	32,500 00	4,000 00	.....	31,846 76	.....	.....	36,877 36	65,730 79
Mechanics' Bank.....	Whitehall.....	50,000 00	.....	.....	60,683 57	3,103 09	.....	30,907 71	144,694 07
Mechanics' and Miners' Bank.....	Detroit.....	100,000 00	.....	16,480 83	238,033 66	9,436 46	.....	.....	463,009 95
People's Bank.....	Calumet.....	35,000 00	5,000 00	1,100 47	198,157 04	3,170 11	\$5 51	.....	178,433 13
State Bank.....	Manchester.....	50,000 00	.....	.....	58,575 65	3,574 47	.....	.....	110,150 13
The Bank of Ishpeming.....	Ishpeming.....	25,000 00	.....	38 30	20,745 79	41 63	.....	.....	70,787 43
Totals.....	.....	\$767,600 00	\$147,893 60	\$23,427 45	\$1,511,860 43	\$45,065 34	\$5 51	\$37,788 07	\$2,525,927 39

SAVINGS BANKS.

RESOURCES.

NAME OF BANK.	LOCATION.	Loans and Discounts.	Bonds and Mortgages.	Cash and Cash Items.	Real Estate and Fixtures.	Due from Banks and Bankers.	Expenses.	Over-drafts.	Total.
Adrian Savings Bank.....	Adrian.....	\$12,183 43	.....	\$1,268 24	\$293 20	\$384 00	\$453 93	\$6 75	\$15,089 54
Ann Arbor Savings Bank.....	Ann Arbor.....	188,035 77	.....	37,757 02	3,791 34	92,511 75	919 63	482 82	289,943 33
Central Michigan Savings Bank.....	Lansing.....	49,180 60	.....	5,199 79	663 06	17,400 09	443 93	709 63	74,716 00
Detroit Savings Bank.....	Detroit.....	967,088 10	595,266 39	94,863 63	65,633 82	161,329 87	8,706 43	326 59	1,814,348 77
Genesee County Savings Bank.....	Flint.....	66,740 90	108,614 87	15,949 72	14,903 25	4,775 23	1,369 00	.....	211,249 25
Grand Rapids Savings Bank.....	Grand Rapids.....	68,160 94	39,890 87	14,279 43	36,779 94	3,241 77	324 96	179 66	152,767 06
Lenawee County Savings Bank.....	Adrian.....	29,217 85	19,513 73	19,179 23	9,717 63	65,393 09	3,894 06	.....	816,311 11
Michigan Savings Bank.....	Detroit.....	233,909 91	19,260 00	19,179 23	4,248 45	55,394 88	4,885 97	.....	336,866 44
Mt. Clemens Savings Bank.....	Mt. Clemens.....	71,067 13	16,566 55	4,436 42	2,000 00	17,527 61	6,006 43	133 15	112,599 34
People's Savings Bank.....	Detroit.....	1,091,604 98	104,662 86	89,518 96	10,634 29	216,790 37	22,864 40	1,339 82	1,535,846 82
Port Huron Savings Bank.....	Port Huron.....	182,135 90	35,000 00	10,860 16	1,040 22	15,737 70	5,443 73	.....	261,266 00
State Savings Bank.....	Adrian.....	33,110 00	10,460 60	11,788 90	.....	8,000 00	.....	.....	63,348 90
Wayne County Savings Bank.....	Detroit.....	888,293 07	283,769 34	387,890 13	114,325 13	41,078 98	5,534 40	.....	1,629,641 06
Wyandotte Savings Bank.....	Wyandotte.....	29,425 07	.....	11,277 51	6,968 90	.....	.....	.....	88,717 76
Totals.....		\$4,030,576 70	\$1,187,743 67	\$719,759 64	\$261,366 23	\$625,311 33	\$54,915 03	\$3,193 41	\$6,882,871 01

SAVINGS BANKS.—LIABILITIES.

NAME OF BANK.	LOCATION.	Capital.	Surplus.	Due Banks.	Due Depositors.	Profit and Loss.	Int. Premium and Exchange.	Total.
Adrian Savings Bank.....	Adrian.....	\$5,000 00	.....	.....	\$10,089 54	.....	.....	\$15,089 54
Ann Arbor Savings Bank.....	Ann Arbor.....	50,000 00	.....	.....	215,101 91	.....	.....	269,943 33
Central Michigan Savings Bank.....	Lansing.....	25,000 00	.....	.....	49,716 60	.....	.....	74,716 60
Detroit Savings Bank.....	Detroit.....	900,000 00	\$97,223 34	\$65,066 03	1,454,689 62	6,337 53	.....	1,814,348 77
Genesee County Savings Bank.....	Flint.....	100,000 00	4,000 00	.....	104,294 24	5,025 04	.....	211,249 28
Grand Rapids Savings Bank.....	Grand Rapids.....	50,000 00	.....	.....	81,886 18	20,871 83	.....	152,767 06
Lenawee County Savings Bank.....	Adrian.....	60,000 00	.....	.....	947,917 12	9,093 99	.....	316,311 11
Michigan Savings Bank.....	Detroit.....	60,000 00	.....	.....	270,709 12	6,164 32	.....	336,866 44
Mt. Clemens Savings Bank.....	Mt. Clemens.....	50,000 00	.....	.....	60,320 29	2,500 06	.....	112,899 34
People's Savings Bank.....	Detroit.....	950,000 00	25,000 00	27,570 95	1,905,848 04	3,041 55	\$77,938 13	1,936,645 52
Port Huron Savings Bank.....	Port Huron.....	100,000 00	10,000 00	6,869 23	183,607 60	.....	7,806 92	261,266 00
State Savings Bank.....	Adrian.....	25,000 00	4,250 29	.....	3,098 61	.....	30,561 04	63,348 90
Wayne County Savings Bank.....	Detroit.....	150,000 00	.....	.....	1,449,080 08	.....	.....	1,629,641 06
Wyandotte Savings Bank.....	Wyandotte.....	50,000 00	.....	.....	38,197 13	520 58	.....	88,717 76
Totals.....		\$1,175,000 00	\$140,473 63	\$80,478 91	\$5,354,298 37	\$56,326 61	\$46,324 49	\$6,882,871 01

REPORT of the condition of the Bay City Bank at Bay City, Michigan, at the close of business Monday July 1st, A. D. 1878, made in accordance with sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts	\$168,430 31
Overdrafts	1,693 26
Cash Items	1,882 85
Due from Banks and Bankers	18,246 95
Real Estate	6,574 64
Revenue stamps	123 64
Furniture and Fixtures	2,511 85
Fractional Currency	569 07
Expenses	754 81
Legal Tender and Bank Notes	20,283 00
	<u>\$221,050 38</u>
LIABILITIES.	
Capital	\$100,000 00
Surplus	3,000 00
Due other Banks	1,901 48
Due Depositors	114,826 51
Profit and Loss	1,322 39
	<u>\$221,050 38</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 GEO. H. YOUNG, *Cashier.*
 Subscribed and sworn to before me, this 2d day of July, 1878.
 WILLIAM A. YOUNG, *Notary Public.*

REPORT of the condition of the City Bank of Battle Creek, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts	\$187,930 45
Overdrafts	2,638 83
Cash Items	155 48
Due from Banks and Bankers	15,631 39
Furniture and Fixtures	2,900 00
Fractional Currency and Silver	217 71
Legal Tender and Bank Notes	14,728 00
	<u>\$204,081 83</u>
LIABILITIES.	
Capital	\$50,000 00
Surplus	35,383 60
Due Depositors	116,188 23
Dividend Account	2,600 00
	<u>\$204,081 83</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 NELSON ELDRED, *President.*
 Subscribed and sworn to before me, this 2d day of July, 1878.
 BRAINARD T. SKINNER, *Notary Public.*

REPORT of the condition of the Citizens' Bank at Marquette, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$30,224 88
Overdrafts.....	953 00
Due from Banks and Bankers.....	12,051 15
Furniture and Fixtures.....	1,850 00
Legal Tender and Bank Notes.....	13,439 00
Bonds—	
U. S. 4 per cent.....	17,700 00
Marquette city.....	3,000 00
Michigamme School.....	1,000 00
Gold and Silver.....	723 62
	<u>\$110,941 15</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due other Banks.....	178 44
Due Depositors.....	59,189 81
Profit and Loss.....	1,572 90
	<u>\$110,941 15</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me, this 2d day of July, 1878. **FRED. M. STEELE, Cashier.**
J. M. WILKINSON, Notary Public.

REPORT of the condition of the German American Bank at Detroit, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with the General Banking Law of Michigan.

RESOURCES.	
Loans and Discounts.....	\$201,836 50
Overdrafts.....	983 49
Due from Banks and Bankers.....	103,807 25
Revenue Stamps.....	227 06
Furniture and Fixtures.....	2,050 00
Expenses.....	3,206 16
Bonds—	
U. S., county, and city.....	50,332 02
Cash on hand.....	70,434 21
	<u>\$432,877 17</u>

LIABILITIES.	
Capital.....	\$100,000 00
Due Depositors.....	334,763 19
Profit and Loss, etc.....	4,113 98
	<u>\$432,877 17</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me, this fifth day of July, 1878. **H. L. KANTER, Cashier.**
J. B. PADBERG, Notary Public.

REPORT of the condition of the Jackson City Bank at Jackson, Michigan, at the commencement of business, July 1, 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$322,683 81
Overdrafts.....	11,316 76
Cash Items.....	556 77
Due from Banks and Bankers.....	54,504 60
Banking House, Safe, and Fixtures.....	10,000 00
Revenue Stamps.....	49 22
Legal Tender and Bank Notes.....	63,107 00
Coin.....	1,688 69
	<u>\$463,916 82</u>

LIABILITIES.	
Capital.....	\$100,000 00
Surplus.....	100,000 00
Due other Banks.....	8,620 93
Due Depositors.....	250,078 74
Profit and Loss.....	5,219 15
	<u>\$463,916 82</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

BENJ. NEWKIRK, *Cashier.*

Subscribed and sworn to before me, this 3d day of July, 1878

GILBERT R. BYRNE, *Notary Public.*

REPORT of the condition of the Jackson County Bank at Jackson, Michigan, at the close of business Monday, July 1, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$23,110 75
Stock Subscription.....	35,000 00
Due from Banks and Bankers.....	186 60
Furniture and Fixtures.....	1,250 00
Legal Tender, Bank Notes, and Cash Items.....	3,961 38
	<u>\$63,498 71</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	14,787 89
Profit and Loss.....	8,700 82
	<u>\$63,498 71</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY V. PERRIN, *Cashier.*

Subscribed and sworn to before me, this 8th day of July, 1878.

J. B. HAMMOND, *Notary Public.*

REPORT of the condition of the Lumberman's State Bank at West Bay City, Michigan, at the close of Business July 1st, A. D. 1878, made in accordance with sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$52,978 90
Overdrafts.....	516 59
Cash Items.....	141 73
Due from Banks and Bankers.....	1,151 72
Furniture and Fixtures.....	2,000 00
Fractional Currency.....	240 00
Expenses.....	37 50
Legal Tender and Bank Notes.....	8,654 85
	<u>\$65,720 79</u>

LIABILITIES.	
Capital.....	\$32,500 00
Surplus.....	4,000 00
Due Depositors.....	21,546 76
Profit and loss.....	496 67
Bills re-discounted.....	6,877 86
	<u>\$65,720 79</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
HENRY H. NORRINGTON, *Cashier*.

Subscribed and sworn to before me, this sixth day of July, 1878.
G. H. FRANCOIS, *Notary Public*,
in and for the county of Bay, Michigan.

REPORT of the condition of the Lumberman's State Bank at Whitehall, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$104,156 24
Overdrafts.....	987 12
Cash Items.....	8,683 96
Due from Banks and Bankers.....	12,925 75
Real Estate.....	8,250 00
Furniture and Fixtures.....	1,900 00
Legal Tender and Bank Notes.....	7,791 00
	<u>\$144,694 07</u>
LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	60,688 27
Profit and Loss.....	6,105 09
Bills Re-discounted.....	30,907 71
	<u>\$144,694 07</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
ISAAC M. WESTON, *Cashier*.

Subscribed and sworn to before me, this 1st day of July, 1878.
CARLETON A. HAMMOND, *Notary Public*.

REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, at the close of business June 29, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$335,250 69
Cash Items.....	25 43
Due from Banks and Bankers.....	64,647 42
Real Estate.....	6,229 92
Revenue Stamps.....	217 15
Expenses.....	5,536 64
Legal Tender Bank Notes and Checks on other Banks.....	82,757 61
Bonds, County and School District.....	15,919 44
Bills in Transit.....	1,319 18
Premiums.....	297 49
	<u>\$462,009 95</u>
LIABILITIES.	
Capital.....	\$100,000 00
Due other Banks.....	16,489 83
Due Depositors.....	336,083 66
Profit and Loss.....	9,436 46
	<u>\$462,009 95</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me, this 2d day of July, 1878.

FRED E. BUTLER, *Notary Public.*

REPORT of the condition of the Merchants' and Miners' Bank at Calumet, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$99,800 90
Overdrafts.....	227 57
Cash Items.....	237 80
Due from Banks and Bankers.....	36,293 46
Real Estate.....	4,200 00
Revenue Stamps.....	81 48
Furniture and Fixtures.....	800 00
Fractional Currency and coin.....	653 92
Legal Tender and Bank Notes.....	25,038 00
Bonds—	
United States 4½.....	5,000 00
Premium Account.....	150 00
Stock subscription payable on call.....	15,000 00
	<u>\$187,433 13</u>
LIABILITIES.	
Capital.....	\$50,000 00
Surplus.....	5,000 00
Due other Banks.....	1,106 47
Due Depositors.....	127,459 29
Profit and Loss.....	3,170 11
Foreign Exchange.....	6 51
Demand Certificates of Deposits.....	697 76
	<u>\$187,433 13</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY S. COLTON, *Cashier.*

Subscribed and sworn to before me, this eighth day of July, 1878.

FRED. MACKENZIE, *Notary Public,*
Houghton Co., Mich.

REPORT of the condition of the People's Bank at Manchester, Michigan, at the close of business July 1st, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$80,998 06
Overdrafts.....	290 30
Cash Items.....	451 02
Due from Banks and Bankers.....	11,898 45
Real Estate.....	10,000 00
Revenue Stamps.....	41 00
Furniture and Fixtures.....	1,638 30
Fractional Currency.....	307 49
Expenses.....	143 50
Legal Tender and Bank Notes.....	4,342 00
	<u>\$110,150 12</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	50,575 65
Profit and Loss.....	8,574 47
	<u>\$110,150 12</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. W. CLARKSON, *Cashier.*

Subscribed and sworn to before me, this 2d day of July, 1878.

J. D. VAN DUYN, *Notary Public.*

REPORT of the condition of the State Bank at Fenton, Michigan, at the close of business July 1, A. D. 1877, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$49,350 15
Overdrafts.....	21 47
Cash Items.....	1,255 28
Due from Banks and Bankers.....	11,830 28
Revenue Stamps.....	10 62
Furniture and Fixtures.....	2,192 92
Fractional Currency and Silver.....	434 70
Legal Tender and Bank Notes.....	5,592 00
	<u>\$70,787 42</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	20,745 79
Profit and Loss.....	41 63
	<u>\$70,787 42</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOSIAH BUCKBEE, *Pres.*

Subscribed and sworn to before me, this 1st day of July, 1878.

LOUIS WALTON, *Notary Public,*
Genesee County, Mich.

REPORT of the condition of The Bank of Ishpeming, at Ishpeming, Michigan, at the close of business July 1, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$20,712 23
Call Loans.....	8,876 93
Due from Banks and Bankers.....	1,274 63
Furniture and Fixtures.....	1,087 45
Specie.....	125 61
Legal Tender and Bank Notes.....	1,899 00
Unpaid Stock.....	25,000 00
	<u>\$68,775 85</u>

LIABILITIES.

Capital Stock.....	\$50,000 00
Due other Banks.....	36 30
Due Depositors.....	5,425 88
Profit and Loss.....	3,313 67
	<u>\$68,775 85</u>

I do solemnly swear that the above statement is true to the best of my knowledge and belief.

EUGENE G. ST. CLAIR, *Cashier.*

Subscribed and sworn to before me this 27th day of July, 1878.

EUGENE E. OSBORN, *Notary Public,*
in and for Marquette Co., Mich.

REPORT of the condition of the Adrian Savings Bank at Adrian, Michigan, at the close of business October 5th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$12,183 43
Overdrafts.....	6 75
Unpaid Stock.....	5,000 00
Due from Banks and Bankers.....	864 00
Furniture and Fixtures.....	293 30
Fractional Currency.....	1 45
Expenses.....	453 82
Legal Tender and Bank Notes.....	1,163 00
Coin, Nickel, and Cents.....	103 79
	<u>\$20,069 54</u>

LIABILITIES.

Capital Subscribed.....	\$10,000 00
Due Depositors.....	10,069 54
	<u>\$20,069 54</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HEMAN LOOMIS, *Treasurer.*

Subscribed and sworn to before me, this eleventh day of October, 1878.

D. A. BIXBY, *Notary Public.*

REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, at the close of business Monday, October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Bonds and Mortgages.....	\$32,125 00
Loans and Discounts.....	155,910 77
Overdrafts.....	452 82
Cash Items.....	453 78
Due from National and State Banks.....	28,355 75
Bills in Transit.....	456 00
Real Estate.....	1,088 50
Revenue Stamps.....	103 00
Furniture and Fixtures.....	2,697 84
Fractional Currency.....	53 75
Expenses.....	919 62
Legal Tender and Bank Notes.....	35,994 00
Bonds,—	
U. S. 4 per cent bonds.....	10,075 00
Silver Coin.....	1,153 50
	<u>\$269,843 33</u>

LIABILITIES.

Capital.....	\$50,000 00
Dividends Unpaid.....	80 00
Due Depositors.....	215,021 21
Profit and Loss (Interest and exchange).....	4,742 12
	<u>\$269,843 33</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. E. HISCOCK, *Cashier.*

Subscribed and sworn to before me, this 8th day of October, 1878.

EMANUEL MANN, *Notary Public.*

REPORT of the condition of the Central Michigan Savings Bank at Lansing, Michigan, at the close of business September 30, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$49,180 80
Overdrafts.....	759 63
Due from Banks and Bankers.....	17,400 08
Revenue Stamps.....	2 74
Furniture and Fixtures.....	683 68
Fractional Currency and Specie.....	267 01
Expenses.....	442 58
Legal Tender and Bank Notes.....	2,900 00
Bonds.....	3,100 00
	<u>\$74,716 50</u>

LIABILITIES.

Capital Stock.....	\$25,000 00
Due Depositors.....	49,716 50
	<u>\$74,716 50</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

D. F. WOODCOCK, *Cashier.*

Subscribed and sworn to before me, this 8th day of October, 1878.

WILLIAM DONOVAN, *Notary Public.*

REPORT of the condition of the Detroit Savings Bank at Detroit, Michigan, at the close of business October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts	\$967,098 10
Overdrafts	828 69
Cash Items	2,152 93
Due from Banks and Bankers	161,828 87
Real Estate	60,354 28
Revenue Stamps	504 00
Furniture and Fixtures	5,279 44
Fractional Currency, Silver, and Cents	8,135 65
Expenses	8,706 43
Legal Tender and Bank Notes	84,166 00
Bonds—	
United States	\$253,000 00
Wayne County	33,600 00
Detroit City	189,474 28
Other Local Bonds	80,222 11
	<u>526,296 39</u>
	<u>\$1,814,848 77</u>

LIABILITIES.	
Capital	\$200,000 00
Surplus	97,223 34
Due other Banks and Bankers	56,048 08
Due Depositors	1,484,699 82
Profit and Loss	6,357 68
	<u>\$1,814,848 77</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. H. ADAMS, *Cashier.*

Subscribed and sworn to before me, this eighth day of October, 1878.

R. E. JAMIESON, *Notary Public,*
Wayne County, Mich.

REPORT of the condition of the Genesee County Savings Bank at Flint, Michigan, at the close of business Monday, October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts	\$66,740 20
Cash Items	874 44
Due from Banks and Bankers	4,773 23
Real Estate	14,902 26
Revenue Stamps	17 00
Fractional Currency	833 28
Expenses	1,369 00
Legal Tender and Bank Notes	12,026 00
Bonds—	
Government and Local	10,280 00
Mortgages	99,384 87
	<u>\$211,249 28</u>

LIABILITIES.	
Capital	\$100,000 00
Surplus	4,000 00
Due Depositors	104,224 24
Profit and Loss	3,025 04
	<u>\$211,249 28</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

IRA H. WILDER, *Cashier.*

Subscribed and sworn to before me, this 7th day of October, 1878.

A. G. BISHOP, *Notary Public,*
Genesee Co., Mich.

REPORT of the condition of the Grand Rapids Savings Bank at Grand Rapids, Michigan, at the close of business Oct. 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$68,160 94
Overdrafts.....	179 63
Cash Items.....	118 49
Due from Banks and Bankers.....	3,241 77
Real Estate.....	24,779 94
Revenue Stamps.....	8 50
Furniture and Fixtures.....	2,000 00
Fractional Currency and Silver.....	195 44
Expenses.....	294 08
Legal Tender and Bank Notes.....	13,957 00
Bonds—	
United States.....	5,100 00
Premium.....	403 87
Mortgages.....	34,317 50
	<u>\$152,757 56</u>
LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	81,888 18
Profit and Loss.....	20,871 88
	<u>\$152,757 56</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 GEO. R. ALLEN, *Cashier.*
 Subscribed and sworn to before me, this 7th day of October, 1878.
 DANA B. SHEDD, *Notary Public.*

REPORT of the condition of the Lenawee County Savings Bank at Adrian, Michigan, at the close of business October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$198,605 10
Cash Items.....	87 72
Due from Banks and Bankers.....	55,982 09
Real Estate.....	7,609 63
Revenue Stamps.....	10 00
Furniture and Fixtures.....	2,108 00
Coin.....	304 06
Expenses and Taxes.....	3,994 66
Legal Tender and Bank Notes.....	19,162 00
Bonds. { City and Town.....	22,767 86
{ School.....	6,480 00
	<u>\$316,311 11</u>
LIABILITIES.	
Capital.....	\$80,000 00
Due Depositors.....	247,217 19
Profit and Loss.....	9,093 99
	<u>\$316,311 11</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 S. B. SMITH, *Cashier.*
 Subscribed and sworn to before me, this eighth day of October, 1878.
 HERMAN V. C. HART, *Notary Public.*

REPORT of the condition of the Michigan Savings Bank at Detroit, Michigan, at the close of business October 5th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Cash Items, including Checks on other Banks.....	\$5,567 50
Due from Banks and Bankers.....	55,894 88
Revenue Stamps.....	150 96
Furniture and Fixtures.....	4,246 45
Fractional Currency and silver.....	1,006 77
Expenses.....	4,885 97
Legal Tender and Bank Notes.....	12,454 00
Bonds,—	
United States.....	10,350 00
County.....	6,500 00
City.....	2,500 00
Loans on Real Estate.....	187,459 91
" " Collaterals.....	46,450 00
	<u>\$336,990 44</u>

LIABILITIES.	
Capital.....	\$80,000 00
Due Depositors.....	270,702 12
Profit and Loss.....	6,184 32
	<u>\$336,966 44</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 SAM'L R. MUMFORD, *Treasurer.*
 Subscribed and sworn to before me, this seventh day of October, 1878.
 PETER J. SCHULTE, *Notary Public.*

REPORT of the condition of the Mt. Clemens Savings Bank at Mt. Clemens, Michigan, at the close of business September 30, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$71,087 13
Overdrafts.....	133 15
Cash Items.....	529 42
Due from Banks and Bankers.....	17,527 61
Revenue Stamps.....	187 82
Furniture and Fixtures.....	2,500 00
Fractional Currency.....	163 18
Expenses.....	606 48
Legal Tender and Bank Notes.....	3,658 00
Bonds—	
Port Huron 8's.....	8,000 00
Mortgages.....	18,500 00
Bills in transit.....	56 55
	<u>\$112,989 34</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	60,890 29
Profit and Loss.....	2,509 05
	<u>\$112,989 34</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 JOHN W. PORTER, *Cashier.*
 Subscribed and sworn to before me this 7th day of October, 1878.
 GEO. A. SKINNER, *Notary Public.*

REPORT of the condition of the People's Savings Bank at Detroit, Michigan, at the close of business Monday, Oct. 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Discounts and Loans on Real Estate and other Collaterals.....	\$1,091,804 98
Overdrafts.....	1,339 82
Due from Banks and Bankers.....	215,780 37
Real Estate.....	5,182 25
Revenue Stamps.....	837 09
Furniture and Fixtures.....	5,451 94
Fractional Currency, Silver and Coppers.....	10,131 95
Expenses—Rent, State and U. S. Taxes.....	92,384 40
Legal Tender and Bank Notes.....	62,789 00
Checks on City Banks.....	15,280 91
Bonds—Mich., U. S., County, and School, District, and City Bonds.....	104,599 80
Mutilated bills in transit for redemption.....	1,000 00
	<u>\$1,535,845 52</u>

LIABILITIES.

Capital.....	\$250,000 00
Surplus.....	25,000 00
Due other Banks.....	27,570 95
Due Depositors.....	1,205,848 04
Interest and Exchange Account.....	27,926 53
	<u>\$1,535,845 52</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me, this 10th day of October, 1878.

W. W. O'BRIEN, *Cashier.*

A. J. SCHULTE, *Notary Public.*

REPORT of the condition of the Port Huron Savings Bank at Port Huron, Michigan, at the close of business October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$193,155 20
Cash Items.....	5,241 50
Due from Banks and Bankers.....	15,737 70
Revenue Stamps.....	215 72
Furniture and Fixtures.....	1,040 22
Expenses.....	5,442 72
Legal Tender and Bank Notes.....	5,171 00
Bonds—	
Municipal.....	\$25,000 00
U. S.....	10,000 90
	<u>35,000 00</u>
Silver and pennies.....	156 94
Gold.....	95 00
	<u>\$261,256 00</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	10,000 00
Due other Banks.....	6,909 93
Due Depositors.....	183,547 60
Profit and Loss.....	2,852 99
Interest, Collection, and Exchange.....	7,906 92
Protest Account.....	188 56
Dividends Unpaid.....	50 00
	<u>\$261,256 00</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me, this 12th day of October, 1878.

CHAS. F. HARRINGTON, *Cashier.*

O. D. THOMPSON, *Notary Public.*

REPORT of the condition of the State Savings Bank at Adrian, Michigan, at the close of business Monday, October 7th, 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$33,110 00
Due from Banks and Bankers.....	8,000 00
Fractional Currency.....	88
Legal Tender and Bank Notes.....	11,788 00
Bonds—	
School Bonds.....	10,450 00
	<u>\$63,348 80</u>

LIABILITIES.

Capital.....	\$25,000 00
Surplus.....	4,220 29
Due Depositors.....	34,098 51
	<u>\$63,348 80</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. L. WALDBY, *Cashier.*

Subscribed and sworn to before me, this 9th day of October, 1878.

F. W. CLAY, *Notary Public.*

REPORT of the condition of the Wayne County Savings Bank at Detroit, Michigan, at the close of business October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Cash in Vault and on deposit in Banks.....	\$385,778 91
Loans secured by unincumbered Real Estate.....	604,554 27
Loans secured by Collaterals.....	238,727 80
Bonds—U. S. Gov't, Wayne County, State of Michigan, Municipal, and School (Market Value, \$200,000).....	264,234 31
Current Expense Account.....	5,534 40
Furniture, Fixtures, and Safes.....	4,235 12
Premium paid on Bonds.....	19,535 03
Collections in Transit.....	2,051 22
Bank Building and Lot.....	110,000 00
	<u>\$1,629,641 06</u>

LIABILITIES.

Capital Stock.....	\$150,000 00
Due Depositors.....	1,449,890 03
Interest, Premium, and Exchange Accounts.....	30,551 04
	<u>\$1,629,641 06</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. D. ELWOOD, *Treasurer.*

Subscribed and sworn to before me, this 8th day of October, 1878.

JOHN COLLINS, *Notary Public.*

REPORT of the condition of the Wyandotte Savings Bank at Wyandotte, Michigan, at the close of business October 7th, A. D. 1878, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$29,423 07
Due from Banks and Bankers.....	41,078 83
Real Estate.....	5,491 63
Furniture and Fixtures.....	1,446 57
Fractional Currency.....	80 51
Legal Tender and Bank Notes.....	11,197 00
	<u>\$88,717 76</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	38,197 13
Profit and Loss.....	520 58
	<u>\$88,717 76</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. VAN MILLER, *Cashier.*

Subscribed and sworn to before me, this 10th day of October, 1878.

ROBERT V. BRIGGS, *Notary Public,*
Wayne Co., Michigan.

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INDEX
TO THE
GENERAL LAWS
OF THE
STATE OF MICHIGAN,
ENACTED BY THE LEGISLATURE DURING THE YEARS
1872, 1873, 1874, 1875, 1877, and 1879,
AND TO SECTIONS AND CHAPTERS OF THE
COMPILED LAWS,
Amended or Repealed.

Prepared and published under the supervision of the Secretary of State, in compliance
with Act No. 114, Laws of 1877.



BY AUTHORITY.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1879.

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* The law under which females could be imprisoned in civil actions was repealed in 1875, p. 274.

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* S. L. 1871, p. 81.

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* See Sec. 1123, C. L.

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* Chapter 84 re-enacted and amended so as to apply to Upper Peninsula.
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* The law under which females could be imprisoned in civil actions was repealed in 1875, p. 274.

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* The law under which females could be imprisoned in civil actions was repealed in 1875, p. 274.

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* The act amends Sec. 2957. The intention, doubtless, was to amend Sec. 2951.

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* Act No. 94 of 1871 also repealed. Not in C.L.

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† The act of 1875 amends this section. The intention doubtless was to amend Sec. 2951.

‡ See note on page 529.

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* See note on page 522.

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